Pamphlet 2

MISSISSIPPI

ADVANCE SHEETS

2019 Legislative Session
General Laws

LexisNexis

MISSISSIPPI GENERAL LAWS ADVANCE SHEETS 2019

Regular Session

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ISBN 978-0-3271-5339-9

www.lexisnexis.com

Customer Service: 1-800-833-9844

Matthew Bender & Company, Inc.
701 E Water St., Charlottesville, VA 22902-5389

(Pub.44610)

PREFACE

Contents; publication schedule.

The 2019 Advance Sheets of the General Laws of Mississippi are part of the supplementation service for your official *Mississippi Code of 1972 Annotated,* and consist of a series of pamphlets issued during the 2019 Legislative Session of the State of Mississippi. The purpose of this service is to provide you with the most timely legislative information possible, and to make the most recent changes to the *Mississippi Code* available to you in an easy-to-use format.

The Advance Sheets contain all public acts enacted by the Legislature and approved by the Governor during the 2019 Regular Session. This pamphlet, the second in the series, contains the second 88 general bills signed by the Governor. The third pamphlet will contain the remainder of the acts from the 2019 Regular Session. Appropriation bills and private and local bills are not included in the Advance Sheets.

The acts are arranged in order by House Bill and Senate Bill number, with House Bills appearing first. The final pamphlet will contain a cumulative table of House Bills and Senate Bills and their corresponding chapter numbers.

Summary of acts; tables; index.

To assist you in locating pertinent legislation, the Advance Sheets include several tables and other features prepared by the editorial staff of the publisher. Included in this Pamphlet 2 are the following:

- a **Summary of Acts** summarizing the subject of each act in the pamphlet;
- **Cumulative Legislative Summaries** giving brief descriptions of important legislation;
- a **Cumulative Table of Code Sections Affected** showing the impact of legislation on sections of the *Code*;
- a comprehensive, cumulative **Index**, with headings based on the headings that are used in the general index to the *Code.*

In addition, the following tables will be added to the final pamphlet:

- a **Cumulative Allocation of Acts Table** showing each general law and its effect on the section of the Code;
- **Cumulative Tables of House Bills and Senate Bills** and their corresponding chapter numbers.

As an added research feature, we have included an individual **Act Summary** preceding each General Law. This summary contains (1) a description of the act, (2) the legislative history of the act, (3) background information, such as the effective date and disposition of the act, (4) the House and Senate committees to which the act was referred, (5) the principal author of the act, and (6) a list of the *Code* sections affected by the act. To better utilize these act summaries, you should be familiar with the following abbreviations and their meanings:

- Under the heading "Background Information"
  "VRA" = Voting Rights Act
  "App. Req." = Approval Required
- Under the heading "Code Sections"
  "A" = Amended
  "R" = Reenacted
  "RA" = Reenacted and Amended
  "RP" = Repealed
  "BF" = Brought Forward

Treatment of acts in the Advance Sheets.

The most recent General Laws are printed herein exactly as passed. No corrections or other editorial changes have been made.

The Legislature has indicated changes to *Code* materials by using the following symbols:

- Single underscoring of material appearing in an act indicates text that will appear as newly added language in the *Mississippi Code*. For an entirely new section, the section number will be underscored. Double underscoring in the text of an act reflects an amendment to the language of the original bill.
- Triple asterisks (***) appearing in an act indicate the deletion of text from a section of the *Mississippi Code*. Where asterisks appear on a line by themselves, the deletion of one or more paragraphs is indicated.

Treatment of acts in *Mississippi Code of 1972 Annotated.*

It is IMPORTANT to note that the treatment of some legislation, when it later appears in the *Mississippi Code of 1972 Annotated*, may be subject to change for various reasons. For example:

- Certain sections of the acts printed in this Advance Sheet were not assigned *Code* section numbers; in these instances, the publisher's staff of legal analysts will suggest *Code* section designations, and these recommendations will be sent to the Joint Legislative Committee on Compilation, Revision and Publication of Legislation for approval;
- *Code* section number assignments might be changed, pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with previously existing section numbers or because of other refinements made during the editorial process; or
- Text of sections might be changed, also pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with other approved legislation from the 2019 Legislative Session.

Any such changes will be reflected in the 2019 *Mississippi Code of 1972 Annotated* supplements and replacement volumes.

PREFACE

Information, suggestions, comments, and questions.

Visit the LexisNexis website at http://www.lexisnexis.com to find an online bookstore, technical support, customer service, and other company information.

Suggestions, comments, or questions about the *Mississippi Code* or the Advance Sheets are always welcome. You may contact us by calling us toll-free at (800) 833-9844, faxing us toll-free at (800) 643-1280, e-mailing us at customer.support@bender.com, or writing to *Mississippi Code* Editor, Matthew Bender & Co., Inc., 701 E Water St., Charlottesville, Virginia 22902-5389.

May 2019 LexisNexis

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of important legislation enacted during

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of the

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
7-1-355	Reenacted		sb2133	57	1
9-5-169	Amended		sb2046	2	1
17-17-5	Amended		hb1540	1	2
19-3-1	Amended		hb0914	4	2
19-5-99	Amended		hb1468	1	2
19-5-99	Brought Forward		hb1533	4	2
19-5-353	Amended		hb0571	8	1
19-7-39	Amended		hb1477	1	2
19-25-73	Amended		hb0874	1	2
21-8-7	Brought Forward		hb0914	5	2
21-9-15	Brought Forward		hb0914	6	2
21-37-21	Amended		hb1477	2	2
21-45-9	Amended		sb2425	2	2
23-15-39	Brought Forward		hb0914	7	2
23-15-281	Amended		hb0914	2	2
23-15-283	Amended		hb0914	1	2
23-15-285	Amended		hb0914	3	2
23-15-299	Amended		sb2237	1	1
23-15-359	Amended		sb2237	2	1
23-15-977	Amended		sb2916	1	2
25-7-13	Amended		sb2043	1	1
25-9-107	Amended		sb2625	3	2
25-9-127	Amended		hb0714	3	1
25-9-301	Amended		sb2863	1	2
25-31-1	Amended		sb2030	3	1
25-53-1	Amended		hb0714	1	1
25-53-5	Amended		hb0714	2	1
25-59-19	Amended		sb2046	4	1
25-61-3	Amended		hb1205	6	2
25-61-5	Amended		hb1204	1	2
25-61-5	Amended		sb2046	3	1
25-61-9	Reenacted		hb1204	2	2
25-61-10	Amended		sb2046	5	1
25-61-11.2	Added		sb2046	1	1
27-3-52	Amended		sb2444	1	2
27-7-21	Amended		sb2271	4	1
27-7-22.7	Reenacted		hb0694	1	1
27-7-22.9	Reenacted		hb0694	2	1
27-7-22.25	Reenacted		hb0694	4	1
27-7-22.26	Reenacted		hb0694	5	1
27-7-22.36	Amended		hb0808	1	2
27-7-23	Amended		hb1699	2	2
27-7-24.9	Added		hb1699	1	2
27-7-83	Amended		hb0991	13	2
27-13-5	Amended		sb2271	5	1
27-13-7	Amended		sb2271	6	1
27-19-81	Amended		hb0754	1	1

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
27-31-104	Amended		sb2056	1	1
27-65-75	Amended		sb2425	1	2
27-65-75	Amended		sb2193	2	1
27-65-107	Amended		sb2271	3	1
27-65-201	Amended		sb2229	1	1
27-103-159	Amended		sb2392	1	2
27-104-7	Amended		hb0714	4	1
27-104-7	Amended		sb2918	2	2
27-104-13	Amended		sb2947	1	2
27-104-13	Amended		sb2625	9	2
29-1-75	Amended		hb0807	1	2
29-5-13	Added		hb0084	1	1
31-5-55	Amended		hb0869	3	2
31-7-1	Amended		sb2625	4	2
31-7-14	Amended		sb2876	1	2
31-7-111	Amended		sb2046	6	1
33-13-31	Amended		sb2679	1	2
33-13-159	Amended		sb2680	1	2
33-15-17	Amended		sb2243	1	1
35-1-1	Amended		sb2839	1	2
35-1-21	Amended		sb2723	1	2
37-3-87	Amended		hb1322	1	2
37-4-3	Amended		sb2749	1	2
37-5-9	Amended		hb0654	1	1
37-7-307	Amended		hb0572	1	1
37-7-307	Amended		sb2625	5	2
37-7-711	Amended		hb0654	2	1
37-9-13	Amended		sb2237	3	1
37-9-17	Amended		sb2625	6	2
37-9-59	Amended		sb2625	7	2
37-9-103	Amended		sb2625	8	2
37-11-57	Amended		hb1182	1	2
37-26-11	Amended		sb2196	1	1
37-140-5	Amended		sb2625	1	2
37-140-9	Amended		sb2625	2	2
37-144-3	Amended		sb2524	1	2
37-144-5	Amended		sb2524	2	2
37-144-7	Amended		sb2524	3	2
37-153-1	Reenacted		sb2133	1	1
37-153-3	Reenacted		sb2133	2	1
37-153-5	Reenacted		sb2133	3	1
37-153-7	Reenacted		sb2133	4	1
37-153-9	Reenacted		sb2133	5	1
37-153-11	Reenacted		sb2133	6	1
37-153-13	Reenacted		sb2133	7	1
37-153-15	Added		sb2447	1	2
39-5-6	Amended		hb0084	2	1
41-7-201	Amended		hb0626	1	1
41-13-10	Amended		sb2892	1	2
41-13-15	Amended		sb2892	2	2
41-13-29	Amended		hb0273	1	1
41-41-34.1	Added		sb2116	1	1
41-60-11	Amended		hb1313	1	2

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
41-61-53	Amended		sb2161	1	1
41-61-55	Amended		hb0913	2	2
41-61-55	Amended		sb2161	2	1
41-61-77	Amended		sb2161	3	1
41-99-5	Amended		hb0584	1	1
43-1-1	Amended		hb1147	1	2
43-1-2	Amended		hb1147	2	2
43-1-3	Amended		hb1147	3	2
43-1-5	Amended		hb1147	4	2
43-1-30	Reenacted		sb2133	48	1
43-1-55	Amended		hb0571	10	1
43-15-13	Amended		hb0571	2	1
43-15-51	Amended		hb0571	3	1
43-17-5	Reenacted		sb2133	49	1
43-19-45	Reenacted		sb2133	50	1
43-19-46	Reenacted		sb2133	51	1
43-21-105	Amended		hb0571	6	1
43-21-321	Amended		sb2449	1	2
43-21-353	Amended		hb1117	1	2
43-21-353	Amended		hb0571	5	1
43-27-20	Amended		hb1147	5	2
43-27-39	Amended		hb1533	3	2
43-33-729	Amended		hb1126	1	2
43-33-729	Amended		sb2602	1	2
43-47-7	Amended		hb0571	13	1
43-47-19	Amended		hb1075	1	2
45-1-2	Amended		hb0913	1	2
45-1-29	Reenacted		hb0913	3	2
45-6-7	Amended		hb0571	9	1
45-9-171	Amended		hb0390	1	1
45-33-23	Amended		sb2532	3	2
45-33-32	Amended		sb2532	2	2
45-33-59	Amended		sb2532	1	2
47-5-193	Amended		sb2704	1	2
49-15-46	Amended		hb1269	1	2
49-17-707	Amended		sb2687	1	2
49-17-709	Reenacted		sb2687	2	2
49-17-711	Reenacted		sb2687	3	2
49-17-713	Reenacted		sb2687	4	2
57-1-303	Amended		hb0713	1	1
57-10-701	Reenacted		hb1132	1	2
57-10-703	Reenacted		hb1132	2	2
57-10-705	Reenacted		hb1132	3	2
57-10-707	Reenacted		hb1132	4	2
57-10-709	Reenacted		hb1132	5	2
57-10-711	Amended		hb1132	6	2
57-39-21	Amended		hb1362	1	2
57-62-5	Reenacted		sb2133	52	1
57-62-9	Reenacted		sb2133	53	1
57-73-21	Amended		hb0695	1	1
57-75-5	Reenacted		sb2133	54	1
57-80-7	Reenacted		sb2133	55	1
57-80-9	Amended		sb2885	1	2

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
57-105-1	Amended		sb2598	1	2
57-113-21	Amended		sb2271	1	1
57-113-25	Amended		sb2271	2	1
61-3-3	Amended		sb2802	1	2
61-3-21	Amended		sb2802	2	2
61-13-5	Amended		sb2918	1	2
63-1-203	Amended		hb0751	1	1
63-3-516	Amended		hb0580	2	1
63-3-615	Amended		hb0677	1	1
63-5-19	Amended		hb1329	1	2
63-5-23	Amended		hb1329	2	2
63-17-73	Amended		hb0872	1	2
63-17-75	Amended		hb0785	1	2
65-1-3	Amended		sb2030	2	1
69-1-1	Amended		sb2030	4	1
69-1-18	Amended		hb1206	1	2
69-2-5	Reenacted		sb2133	56	1
71-5-5	Reenacted		sb2133	8	1
71-5-11	Reenacted		sb2133	9	1
71-5-19	Reenacted		sb2133	10	1
71-5-101	Reenacted		sb2133	11	1
71-5-107	Reenacted		sb2133	12	1
71-5-109	Reenacted		sb2133	13	1
71-5-111	Reenacted		sb2133	14	1
71-5-112	Reenacted		sb2133	15	1
71-5-113	Reenacted		sb2133	16	1
71-5-114	Reenacted		sb2133	17	1
71-5-115	Reenacted		sb2133	18	1
71-5-117	Reenacted		sb2133	19	1
71-5-119	Reenacted		sb2133	20	1
71-5-121	Reenacted		sb2133	21	1
71-5-123	Reenacted		sb2133	22	1
71-5-125	Reenacted		sb2133	23	1
71-5-127	Reenacted		sb2133	24	1
71-5-129	Reenacted		sb2133	25	1
71-5-131	Reenacted		sb2133	26	1
71-5-133	Reenacted		sb2133	27	1
71-5-135	Reenacted		sb2133	28	1
71-5-137	Reenacted		sb2133	29	1
71-5-139	Reenacted		sb2133	30	1
71-5-141	Reenacted		sb2133	31	1
71-5-143	Reenacted		sb2133	32	1
71-5-201	Reenacted		sb2133	33	1
71-5-357	Reenacted		sb2133	34	1
71-5-359	Reenacted		sb2133	35	1
71-5-451	Reenacted		sb2133	36	1
71-5-457	Reenacted		sb2133	37	1
71-5-511	Reenacted		sb2133	38	1
71-5-513	Reenacted		sb2133	39	1
71-5-517	Reenacted		sb2133	40	1
71-5-519	Reenacted		sb2133	41	1
71-5-523	Reenacted		sb2133	42	1
71-5-525	Reenacted		sb2133	43	1

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
71-5-529	Reenacted		sb2133	44	1
71-5-531	Reenacted		sb2133	45	1
71-5-541	Reenacted		sb2133	46	1
73-7-12	Amended		sb2766	1	2
73-13-15	Amended		hb1288	2	2
73-13-31	Amended		hb1288	1	2
73-13-43	Amended		hb1288	3	2
73-13-85	Amended		hb1288	4	2
73-13-105	Amended		hb1288	5	2
73-15-29	Amended		hb1519	1	2
73-15-101	Repealed		hb1048	2	2
73-21-73	Amended		sb2365	1	2
73-21-117	Amended		sb2365	2	2
73-21-119	Amended		sb2365	3	2
73-21-126	Amended		hb1226	1	2
73-21-127	Amended		sb2365	4	2
73-25-19	Amended		hb0977	5	2
73-25-29	Amended		sb2116	2	1
73-26-3	Amended		hb0798	1	2
73-30-25	Reenacted		sb2133	47	1
73-34-3	Amended		sb2697	2	2
73-34-5	Amended		sb2697	3	2
73-34-9	Amended		sb2697	4	2
73-34-16	Added		sb2697	1	2
73-34-17	Amended		sb2697	5	2
73-34-21	Amended		sb2697	6	2
73-34-33	Amended		sb2697	7	2
73-34-45	Amended		sb2697	8	2
73-34-103	Reenacted		sb2451	1	2
73-34-117	Amended		sb2869	1	2
73-35-9	Amended		hb1292	1	2
73-35-18	Amended		hb1292	2	2
73-35-35	Amended		hb1292	3	2
73-50-1	Amended		sb2452	1	2
75-29-19	Amended		hb1206	2	2
75-35-15	Amended		sb2922	1	2
75-60-3	Amended		sb2737	1	2
75-60-17	Amended		sb2737	2	2
75-60-23	Amended		sb2737	3	2
75-60-25	Amended		sb2737	4	2
77-5-205	Amended		hb0366	9	1
77-5-231	Amended		hb0366	10	1
81-5-1	Amended		sb2817	1	2
81-22-1	Reenacted		hb0800	1	2
81-22-3	Reenacted		hb0800	2	2
81-22-5	Reenacted		hb0800	3	2
81-22-7	Reenacted		hb0800	4	2
81-22-9	Reenacted		hb0800	5	2
81-22-11	Reenacted		hb0800	6	2
81-22-13	Reenacted		hb0800	7	2
81-22-15	Reenacted		hb0800	8	2
81-22-17	Reenacted		hb0800	9	2
81-22-19	Reenacted		hb0800	10	2

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
81-22-21	Reenacted		hb0800	11	2
81-22-23	Reenacted		hb0800	12	2
81-22-25	Reenacted		hb0800	13	2
81-22-27	Reenacted		hb0800	14	2
81-22-28	Reenacted		hb0800	15	2
81-22-31	Amended		hb0800	16	2
83-5-102	Amended		hb0323	1	1
83-5-119	Amended		hb0323	2	1
83-5-120	Added		hb0323	3	1
83-9-5	Amended		hb0628	1	1
83-17-53	Amended		hb0630	1	1
83-17-63	Amended		hb0630	2	1
83-23-109	Amended		sb2864	1	2
83-23-115	Amended		sb2864	2	2
83-51-1	Amended		hb0752	1	1
83-65-103	Amended		hb0925	1	2
85-5-7	Amended		sb2901	2	2
85-7-431	Amended		hb0869	2	2
85-7-432	Added		hb0869	1	2
89-1-69	Amended		hb0962	1	2
89-7-31	Amended		sb2716	1	2
89-7-35	Amended		sb2716	2	2
89-7-41	Amended		sb2716	3	2
89-7-45	Amended		sb2716	4	2
93-16-3	Amended		hb1096	1	2
97-3-7	Amended		hb1465	1	2
97-3-54.1	Amended		hb0571	4	1
97-3-54.8	Amended		hb0571	11	1
97-3-54.9	Amended		hb0571	12	1
97-5-51	Amended		hb0571	7	1
97-21-13	Amended		sb2470	2	2
97-21-15	Amended		sb2470	3	2
97-21-17	Amended		sb2470	4	2
97-21-33	Amended		sb2470	1	2
97-29-49	Amended		hb0571	1	1
97-37-7	Amended		hb1581	1	2
99-15-26	Amended		sb2237	4	1
99-19-73	Amended		sb2196	2	1

Mississippi Legislature
2019 Regular Session

House Bill 785

Description: Motor vehicle dealers; revise blanket liability insurance requirements for.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Insurance
2	01/29	(H) Title Suff Do Pass
3	01/30	(H) Passed {Vote}
4	01/31	(H) Transmitted To Senate
5	02/26	(S) Referred To Insurance
6	03/04	(S) Title Suff Do Pass
7	03/06	(S) Passed {Vote}
8	03/07	(S) Returned For Enrolling
9	03/08	(H) Enrolled Bill Signed
10	03/11	(S) Enrolled Bill Signed
11	03/15	Approved by Governor

Code Section: A 063-0017-0075

----- Additional Information -----

House Committee: Insurance
Senate Committee: Insurance

Principal Author: Wilkes

Title: AN ACT TO AMEND SECTION 63-17-75, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CERTAIN BLANKET LIABILITY INSURANCE REQUIREMENTS FOR MOTOR VEHICLE DEALERS DO NOT APPLY WHEN THE MOTOR VEHICLE DEALER'S INVENTORY DOES NOT HAVE A MOTOR; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 785

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Wilkes To: Insurance

HOUSE BILL NO. 785

AN ACT TO AMEND SECTION 63-17-75, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CERTAIN BLANKET LIABILITY INSURANCE REQUIREMENTS FOR MOTOR VEHICLE DEALERS DO NOT APPLY WHEN THE MOTOR VEHICLE DEALER'S INVENTORY DOES NOT HAVE A MOTOR; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-17-75, Mississippi Code of 1972, is amended as follows:

63-17-75. Within ninety (90) days after July 1, 1970, all persons who on July 1, 1970, are engaged in a business or occupation for which a license is required under the Mississippi Motor Vehicle Commission Law shall make application on forms prescribed by the commission for their respective licenses. All such persons shall be permitted, without a license, to continue to engage in the business or occupation for which a license is applied for until the license is either granted or, in case it is denied, until the applicant has exhausted or has had an opportunity to exhaust all of his remedies under Section 63-17-99. No person not engaged in a business or occupation requiring such a

license on July 1, 1970, shall be permitted to engage in such business or occupation until he shall have first obtained a license to engage in such business or occupation.

Applications for licenses shall be verified by the oath or affirmation of the applicants and shall be on forms prescribed by the commission and furnished to such applicants. Applications shall contain such information as the commission deems necessary to enable it to fully determine the qualifications and eligibility of the several applicants to receive the license or licenses applied for. The commission shall require that there be set forth in each application information relating to the applicant's financial standing, the applicant's business integrity, whether the applicant has an established place of business and is primarily engaged in the pursuit, avocation or business for which a license or licenses is applied for, and whether the applicant is able to properly conduct the business for which a license or licenses is applied for, and such other pertinent information consistent with the safeguarding of the public interest and public welfare. Applications for license as a motor vehicle dealer shall, in addition to the foregoing, be accompanied by the filing with the commission of a bona fide contract or franchise then in effect between the applicant and a manufacturer, distributor or wholesaler of the new motor vehicle or vehicles proposed to be dealt in, unless such contract or franchise has already been filed with the commission in connection with a previous application made

by such applicant, in which event the applicant shall, in lieu of again filing the contract or franchise, identify the contract or franchise by appropriate reference and file all revisions and additions, if any, which have been made to said contract or franchise. The applicant must furnish satisfactory evidence that he or it maintains adequate space in the building or structure wherein his or its established business is conducted for the display of new motor vehicles, or he will have such facilities within a reasonable time after receiving a license, and that he or it has or will have adequate facilities in said building or structure for the repair and servicing of motor vehicles and the storage of new parts and accessories for same. However, the failure to furnish the evidence called for in the preceding sentence shall not constitute sufficient cause for denying a license to any motor vehicle dealer who on July 1, 1970, was an enfranchised new motor vehicle dealer in this state of a manufacturer, distributor or wholesaler of new motor vehicles and who continued to be such a dealer from such date until application was made for a license as a motor vehicle dealer.

New applications for licenses as a new, used or wholesale motor vehicle dealer shall, in addition to the foregoing, be accompanied by the filing with the commission of a corporate surety bond in the penal sum of Twenty-five Thousand Dollars ($25,000.00) on a bond form approved by the commission. However, an applicant for licenses at multiple locations may choose to

provide a corporate surety bond in the penal sum of One Hundred Thousand Dollars ($100,000.00) covering all licensed locations of the same capacity in lieu of separate bonds for each location.

The bond shall be in effect upon the applicant being licensed and shall be conditioned upon his complying with the provisions of the Mississippi Motor Vehicle Commission Law. The bond shall be an indemnity for any loss sustained by any person by reason of the acts of the person bonded when those acts constitute grounds for the suspension or revocation of license. The bond shall be executed in the name of the State of Mississippi for the benefit of any aggrieved party. The aggregate liability of the surety for any claimants, regardless of the number of years this bond is in force or has been in effect, shall not exceed the amount of the bond. The proceeds of the bond shall be paid upon receipt by the commission of a final judgment from a Mississippi court of competent jurisdiction against the principal and in favor of an aggrieved party.

New, used and wholesale motor vehicle dealers shall be required to maintain motor vehicle liability insurance providing blanket coverage on vehicles operated on the public streets and highways of this state, including vehicles in dealership inventory unless the motor vehicle dealer's inventory does not have a motor. Evidence of liability insurance for business and inventory vehicles shall be filed with the application for license, and the application for license shall be denied if proof of liability

insurance satisfactory to the Department of Revenue is not provided.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 798

Description: Physician Assistants; delete repealer on authority for issuance of temporary license to applicants in master's degree program.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H)	Referred To Public Health and Human Services
2	01/31	(H)	Title Suff Do Pass Comm Sub
3	02/07	(H)	Committee Substitute Adopted
4	02/07	(H)	Passed {Vote}
5	02/08	(H)	Transmitted To Senate
6	02/26	(S)	Referred To Public Health and Welfare
7	03/05	(S)	Title Suff Do Pass
8	03/12	(S)	Passed {Vote}
9	03/13	(S)	Returned For Enrolling
10	03/15	(H)	Enrolled Bill Signed
11	03/15	(S)	Enrolled Bill Signed
12	03/21		Approved by Governor

Code Section: A 073-0026-0003

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: White
Additional Authors: Dixon, Sykes, Willis

Title: AN ACT TO AMEND SECTION 73-26-3, MISSISSIPPI CODE OF 1972, TO DELETE THE REPEALER ON THE PROVISION THAT AUTHORIZES THE ISSUANCE OF A TEMPORARY LICENSE TO APPLICANTS FOR LICENSURE AS A PHYSICIAN ASSISTANT WHO MEET ALL LICENSURE REQUIREMENTS EXCEPT FOR THE MASTER'S DEGREE UPON PROOF OF ENROLLMENT IN A MASTER'S PROGRAM THAT WILL MEET THE MASTER'S DEGREE REQUIREMENT; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 798

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives White, Dixon, Sykes, Willis

To: Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 798

AN ACT TO AMEND SECTION 73-26-3, MISSISSIPPI CODE OF 1972, TO DELETE THE REPEALER ON THE PROVISION THAT AUTHORIZES THE ISSUANCE OF A TEMPORARY LICENSE TO APPLICANTS FOR LICENSURE AS A PHYSICIAN ASSISTANT WHO MEET ALL LICENSURE REQUIREMENTS EXCEPT FOR THE MASTER'S DEGREE UPON PROOF OF ENROLLMENT IN A MASTER'S PROGRAM THAT WILL MEET THE MASTER'S DEGREE REQUIREMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-26-3, Mississippi Code of 1972, is amended as follows:

73-26-3. (1) The State Board of Medical Licensure shall license and regulate the practice of physician assistants in accordance with the provisions of this chapter.

(2) All physician assistants who are employed as physician assistants by a Department of Veterans Affairs health care facility, a branch of the United States military or the Federal Bureau of Prisons, and who are practicing as physician assistants in a federal facility in Mississippi on July 1, 2000, and those physician assistants who trained in a Mississippi physician assistant program and have been continuously practicing as a

physician assistant in Mississippi since 1976, shall be eligible for licensure if they submit an application for licensure to the board by December 31, 2000. Physician assistants licensed under this subsection will be eligible for license renewal so long as they meet standard renewal requirements.

(3) Before December 31, 2004, applicants for physician assistant licensure, except those licensed under subsection (2) of this section, must be graduates of physician assistant educational programs accredited by the Commission on Accreditation of Allied Health Educational Programs or its predecessor or successor agency, have passed the certification examination administered by the National Commission on Certification of Physician Assistants (NCCPA), have current NCCPA certification, and possess a minimum of a baccalaureate degree. Physician assistants meeting these licensure requirements will be eligible for license renewal so long as they meet standard renewal requirements.

(4) On or after December 31, 2004, applicants for physician assistant licensure must meet all of the requirements in subsection (3) of this section and, in addition, must have obtained a minimum of a master's degree in a health-related or science field.

(5) Applicants for licensure who meet all licensure requirements except for the master's degree may be granted a temporary license by the board so long as they can show proof of enrollment in a master's program that will, when completed, meet

the master's degree requirement. The temporary license will be valid for no longer than one (1) year, and may not be renewed.

* * *

(6) For new graduate physician assistants and all physician assistants receiving initial licenses in the state, except those licensed under subsection (2) of this section, supervision shall require the on-site presence of a supervising physician for one hundred twenty (120) days.

(7) To qualify for a Mississippi physician assistant license, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure. To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

Any and all state or national criminal history records information obtained by the board that is not already a matter of

public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 800

Description: MS Debt Management Services Act; extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2019

History of Actions:

1	01/21	(H)	Referred To Banking and Financial Services
2	02/05	(H)	Title Suff Do Pass
3	02/07	(H)	Passed {Vote}
4	02/08	(H)	Transmitted To Senate
5	02/25	(S)	Referred To Business and Financial Institutions
6	03/04	(S)	Title Suff Do Pass
7	03/06	(S)	Passed {Vote}
8	03/07	(S)	Returned For Enrolling
9	03/08	(H)	Enrolled Bill Signed
10	03/11	(S)	Enrolled Bill Signed
11	03/15		Approved by Governor

Code Section: R 081-0022-0001, R 081-0022-0003, R 081-0022-0005, R 081-0022-0007, R 081-0022-0009, R 081-0022-0011, R 081-0022-0013, R 081-0022-0015, R 081-0022-0017, R 081-0022-0019, A 081-0022-0031, R 081-0022-0021, R 081-0022-0023, R 081-0022-0025, R 081-0022-0027, R 081-0022-0028

----- Additional Information -----

House Committee: Banking and Financial Services
Senate Committee: Business and Financial Institutions

Principal Author: White

Title: AN ACT TO REENACT SECTIONS 81-22-1 THROUGH 81-22-28, MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI DEBT MANAGEMENT SERVICES ACT; TO AMEND SECTION 81-22-31, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI DEBT MANAGEMENT SERVICES ACT; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 800

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative White

To: Banking and Financial Services

HOUSE BILL NO. 800

AN ACT TO REENACT SECTIONS 81-22-1 THROUGH 81-22-28, MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI DEBT MANAGEMENT SERVICES ACT; TO AMEND SECTION 81-22-31, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI DEBT MANAGEMENT SERVICES ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 81-22-1, Mississippi Code of 1972, is reenacted as follows:

81-22-1. This chapter may be known and cited as the "Mississippi Debt Management Services Act."

SECTION 2. Section 81-22-3, Mississippi Code of 1972, is reenacted as follows:

81-22-3. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings:

(a) "Commissioner" means the Commissioner of Banking and Consumer Finance of the State of Mississippi.

(b) "Debt management service" means:

(i) The receiving of money from a consumer for the purpose of distributing one or more payments to or among one or more creditors of the consumer in full or partial payment of the consumer's obligation;

(ii) Arranging or assisting a consumer to arrange for the distribution of one or more payments to or among one or more creditors of the consumer in full or partial payment of the consumer's obligation;

(iii) Exercising control, directly or indirectly, or arranging for the exercise of control over funds of the consumer for the purpose of distributing payments to or among one or more creditors of the consumer;

(iv) Acting or offering to act as an intermediary between a consumer and one or more creditors of the consumer for the purpose of adjusting, compromising, negotiating, settling, discharging or otherwise deferring, reducing or altering the terms of payment of the consumer's obligation; or

(v) Improving or offering to improve a consumer's credit record, history or rating.

(c) "Debt management service provider" means a person that provides or offers to provide to a consumer in this state any debt management services, in return for a fee or other consideration. "Debt management service provider" does not include:

(i) Those situations involving debt adjusting incurred incidentally in the lawful practice of law in this state;

(ii) Those situations involving credit report error correction services and situations covered under paragraph (b)(v) of this section when performed in the lawful practice of law in this state;

(iii) Title insurers who adjust debts out of escrow funds only incidentally in the regular course of their principal business;

(iv) Judicial officers or others acting under court orders;

(v) Those situations involving debt adjusting incurred incidentally in connection with the lawful practice as a certified public accountant;

(vi) Bona fide trade or mercantile associations in the course of arranging adjustment of debts with business establishments;

(vii) Employers who adjust debts for their employees;

(viii) Any person who, at the request of a debtor, makes a loan to the debtor, and who, at the authorization of the debtor, acts as an adjuster of the debtor's debts solely in the disbursement of the proceeds of the loan, without compensation for the services rendered in adjusting the debts;

(ix) Any institution that is regulated, supervised or licensed by the department or any out-of-state institution that is insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration;

(x) Licensed attorneys engaged in the lawful practice of law; or

(xi) For-profit debt management service providers who do not receive or hold consumer funds, who do not receive a fee until a settlement is approved by the consumer and who are regulated by the Federal Trade Commission.

(d) "Department" means the Department of Banking and Consumer Finance of the State of Mississippi.

(e) "Fair share contribution" means voluntary contributions paid to the licensee by the creditor for collecting funds from clients pursuant to debt management services.

(f) "Licensee" means a person or entity who is required to be licensed as a debt management service provider.

(g) "Person" means an individual or an organization.

(h) "Records" or "documents" means any item in hard copy or produced in a format of storage commonly described as electronic, imaged, magnetic, microphotographic or otherwise, and any reproduction so made shall have the same force and effect as the original thereof and be admitted in evidence equally with the original.

(i) "Third-party payment processor" means any entity that holds, or has access to, or can effectuate possession of, by any means, the monies of a licensee's debtors, or distributes, or is in the chain or distribution of such monies, to the creditors of such debtors, pursuant to an agreement or contract with the licensee. This term shall not include entities that solely provide the electronic routing and settlement of financial transactions and their sponsoring banks.

SECTION 3. Section 81-22-5, Mississippi Code of 1972, is reenacted as follows:

81-22-5. (1) **Licensure and relicensure.** No person or entity may act as a debt management service provider with respect to consumers who are residents of this state without a license issued under this chapter. The license application must be in a form prescribed by the commissioner. The commissioner may refuse the application if it contains erroneous or incomplete information. A license may not be issued unless the commissioner, upon investigation, finds that the financial soundness and responsibility, insurance coverage, consumer education programs and services component, character and fitness of the applicant and, when applicable, its partners, officers or directors, warrant belief that the business will be operated honestly and fairly within the purposes of this chapter. Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. With each initial application for a license, the

applicant shall pay to the commissioner a license fee of Seven Hundred Fifty Dollars ($750.00), and on or before December 31 of each year thereafter, an annual renewal fee of Four Hundred Seventy-five Dollars ($475.00). If the annual renewal fee remains unpaid after December 31, the license shall expire. If any person engages in business as provided for in this chapter without paying the license fee provided for in this subsection before beginning business or before the expiration of the person's current license, as the case may be, then the person shall be liable for the full amount of the license fee, plus a penalty in an amount not to exceed Twenty-five Dollars ($25.00) for each day that the person has engaged in such business without a license or after the expiration of a license. All licensing fees and penalties shall be paid into the Consumer Finance Fund of the department.

(2) **Action on registration application.** The commissioner shall take action on an application within thirty (30) days after the commissioner has accepted the application as complete. Upon written request, the applicant is entitled to a hearing on the question of the applicant's qualifications for license if the commissioner has notified the applicant in writing that the application has been denied or the commissioner has not issued a license within thirty (30) days after the application for the license was accepted as complete by the commissioner. A request for a hearing may not be made more than sixty (60) days after the application was accepted as complete or the commissioner has

mailed a written notice to the applicant stating that the application has been denied and stating the reasons for the denial of the application.

SECTION 4. Section 81-22-7, Mississippi Code of 1972, is reenacted as follows:

81-22-7. To be eligible for a license, an applicant shall file with the commissioner a bond with good security in the penal sum of Fifty Thousand Dollars ($50,000.00), payable to the State of Mississippi for the faithful performance by the licensee of the duties and obligations pertaining to the business so licensed and the prompt payment of any judgment that may be recovered against the licensee on account of charges or other claims arising directly or collectively from any violation of the provisions of this chapter. The applicant may file, in lieu of the bond, cash, a certificate of deposit or government bonds in the amount of Fifty Thousand Dollars ($50,000.00). Those deposits shall be filed with the commissioner and are subject to the same terms and conditions as are provided for in the surety bond required in this paragraph. Any interest or earnings on those deposits are payable to the depositor.

SECTION 5. Section 81-22-9, Mississippi Code of 1972, is reenacted as follows:

81-22-9. (1) **Funds deposited in escrow account.** The debt management service provider shall deposit, within two (2) business days of receipt, all funds received from or on behalf of a

consumer for payment to a creditor or creditors in a federally insured escrow account for the benefit of the consumer in a supervised financial organization. Any escrow account established to receive consumer funds is free from trustee process and unavailable to creditors of the debt management service provider.

(2) **Requirements for handling of funds.** The debt management service provider shall:

(a) Maintain separate records of account for each consumer receiving debt management services;

(b) Remit funds received from or on behalf of a consumer to the consumer's creditor or creditors within fifteen (15) business days of receipt of the funds; and

(c) Correct or remedy any misdirected payments resulting from an error by the debt management service provider and reimburse the consumer for any actual costs or fees imposed by a creditor as a result of such misdirection.

(3) **Commingling of funds.** The debt management service provider may not commingle escrow accounts established for the benefit of consumers with any operating accounts of the debt management service provider.

SECTION 6. Section 81-22-11, Mississippi Code of 1972, is reenacted as follows:

81-22-11. (1) **Written agreement.** A debt management service provider may not perform debt management services for a consumer unless the consumer and the debt management service provider first

have executed a written agreement with regard to the debt management services to be provided. A copy of the completed agreement must be given to the consumer.

(2) **Required provisions.** Each agreement between a consumer and a debt management service provider must be dated and signed by the consumer and must include the following:

(a) The name and address of the consumer and the debt management service provider;

(b) A full description of the services to be performed for the consumer, any fees to be charged to the consumer for those services and any contributions, fees or charges the consumer has agreed to make or pay to the debt management service provider;

(c) Disclosure of the existence of the surety bond on file with the commissioner under Section 81-22-7 and a notice that the consumer may contact the Department of Banking and Consumer Finance at P.O. Box 23729, Jackson, MS 39225-3729 or 1-800-844-2499 with any questions or complaints regarding the debt management service provider;

(d) The identification of the federally insured institution where funds remitted by a consumer for payment to one or more creditors will be held;

(e) The right of a party to cancel the agreement by providing a written notice of cancellation to the other party;

(f) A complete list of the consumer's obligations that are subject to the agreement and the names and addresses of the creditors holding those obligations;

(g) A full description and schedule of the periodic amounts to be remitted to the debt management service provider for payment to the consumer's creditor or creditors and the amounts to be remitted to each creditor;

(h) A notice to the consumer that by executing the agreement the consumer authorizes the federally insured institution to disclose financial records relating to the escrow account in which the consumer's funds are held under Section 81-22-9 to the commissioner during the course of any examination of the debt management service provider by the commissioner; and

(i) The following notice:

NOTICE TO CONSUMER: Do not sign this agreement before you read it. You must be given a copy of this agreement.

SECTION 7. Section 81-22-13, Mississippi Code of 1972, is reenacted as follows:

81-22-13. A debt service management provider may only charge a consumer the following fees for providing debt management services:

(a) A maintenance fee not to exceed Thirty Dollars ($30.00) per month after a consumer has received a free initial counseling session;

(b) A one-time setup fee not to exceed Seventy-five Dollars ($75.00);

(c) A fee for obtaining the consumer's credit report not to exceed Fifteen Dollars ($15.00) for an individual report or Twenty-five Dollars ($25.00) for a joint report;

(d) A fee not to exceed Fifty Dollars ($50.00) for educational courses/products that will assist the consumer in achieving financial stability. Products shall be educational in nature and may include, but not be limited to, the following topics: Home Buyer Education, Financial Literacy Education, and Credit Report Review. However, the consumer must be informed that those courses and products are not a mandatory condition to receive debt management services; and

(e) A bankruptcy consultation fee, not to exceed Fifty Dollars ($50.00) per consumer, may be charged by nonprofit credit counseling agencies approved by the U.S. Trustees pursuant to 11 USC Section 111.

SECTION 8. Section 81-22-15, Mississippi Code of 1972, is reenacted as follows:

81-22-15. (1) **Written reports to consumers.** A debt management service provider shall provide to each consumer receiving debt management services periodic written reports accounting for funds received from the consumer for payment to the consumer's creditor or creditors whose obligations are listed in the consumer's agreement with the debt management service provider

and disbursements made to each such creditor on the consumer's behalf since the last report. The debt management service provider shall provide those reports to the consumer not less than once each calendar quarter.

(2) **Maintenance of records.** Any person required to be licensed under this chapter shall maintain in its offices, or such other location as the department permits, the books, accounts and records necessary for the department to determine whether or not the person is complying with the provisions of this chapter and the rules and regulations adopted by the department under this chapter. These books, accounts and records shall be maintained apart and separate from any other business in which the person is involved. A debt management service provider shall maintain books and records for each consumer for whom it provides debt management services for six (6) years following the final transaction with the consumer.

(3) **Verification of payments to creditors.** Licensees that participate in fair share contributions with creditors shall maintain records that reflect client accounts were credited for the full amount of any payments due and not the net amount as a result of a fair share contribution. Such records may consist of either a copy of the client's statement from the creditor or the licensee may send a monthly or quarterly statement to clients that reflect payments remitted to creditors.

(4) Within fifteen (15) days of the occurrence of any of the following events, a licensee shall file a written report with the commissioner describing the event and its expected impact on the activities on the licensee's business in this state:

(a) The filing for bankruptcy or reorganization by the licensee;

(b) The institution of revocation or suspension proceedings against the licensee by any state or governmental authority; or

(c) Any felony indictment or conviction of the licensee or any of its directors or principal officers.

SECTION 9. Section 81-22-17, Mississippi Code of 1972, is reenacted as follows:

81-22-17. The commissioner may exercise the following powers and functions:

(a) **Complaint investigation.** The commissioner may receive and act on complaints, take action to obtain voluntary compliance with this chapter or refer cases to the Attorney General, who shall appear for and represent the commissioner in court.

(b) **Rules.** The commissioner may adopt reasonable administrative regulations, not inconsistent with law, for the enforcement of this chapter.

(c) **Examination of licensees.** To assure compliance with the provisions of this chapter, the department may examine

the books and records of any licensee without notice during normal business hours. The commissioner shall charge the licensee an examination fee in an amount not less than Three Hundred Dollars ($300.00) nor more than Six Hundred Dollars ($600.00) for each office or location within the State of Mississippi, plus any actual expenses incurred while examining the licensee's records or books that are located outside the State of Mississippi. However, in no event shall a licensee be examined more than once in a two-year period unless for cause shown based upon consumer complaint and/or other exigent reasons as determined by the commissioner.

(d) **Examination of nonlicensees.** The department, its designated officers and employees, or its duly authorized representatives, for the purposes of discovering violations of this chapter and for the purpose of determining whether any person or individual reasonably suspected by the commissioner of conducting business that requires a license under this chapter, may investigate those persons and individuals and examine all relevant books, records and papers employed by those persons or individuals in the transaction of business, and may summon witnesses and examine them under oath concerning matters as to the business of those persons, or other such matters as may be relevant to the discovery of violations of this chapter, including, without limitation, the conduct of business without a license as required under this chapter.

SECTION 10. Section 81-22-19, Mississippi Code of 1972, is reenacted as follows:

81-22-19. A debt management service provider may not:

(a) **Purchase debt.** Purchase any debt or obligation of a consumer;

(b) **Lend money.** Lend money or provide credit to any consumer;

(c) **Mortgage interest.** Obtain a mortgage or other security interest in property of a consumer;

(d) **Debt collector.** Operate as a debt collector in this state; or

(e) **Negative amortization.** Structure an agreement for the consumer that, at the conclusion of the projected term for the consumer's participation in the debt management service agreement, would result in negative amortization of any of the consumer's obligations to creditors.

SECTION 11. Section 81-22-21, Mississippi Code of 1972, is reenacted as follows:

81-22-21. (1) **False advertising.** A debt management service provider may not engage in this state in false or misleading advertising concerning the terms and conditions of any services or assistance offered.

(2) **Required words.** A debt management service provider may not advertise its services in Mississippi in any media

disseminated primarily in this state, whether print or electronic, without the words "Licensed Debt Management Service Provider."

(3) **Dissemination; no liability.** This section does not impose liability on the owner or personnel of any medium in which an advertisement appears or through which an advertisement is disseminated.

SECTION 12. Section 81-22-23, Mississippi Code of 1972, is reenacted as follows:

81-22-23. (1) **Violations; unfair, unconscionable or deceptive practices.** A debt management service provider that violates any provision of this chapter or any rule adopted by the commissioner, or that through any unfair, unconscionable or deceptive practice causes actual damage to a consumer is subject to enforcement action under subsection (2) of this section.

(2) **Enforcement actions.** The following enforcement actions may be taken by the commissioner or an aggrieved consumer against a debt management service provider for violations of any provision of this chapter or any rule adopted under this chapter, or for unfair, unconscionable or deceptive practices that cause actual damage to a consumer:

(a) When the commissioner has reasonable cause to believe that a person is violating any provision of this chapter, the commissioner, in addition to and without prejudice to the authority provided elsewhere in this chapter, may enter an order requiring the person to stop or to refrain from the violation.

The commissioner may sue in any chancery court of the state having jurisdiction and venue to enjoin the person from engaging in or continuing the violation or from doing any act in furtherance of the violation. In such an action, the court may enter an order or judgment awarding a preliminary or permanent injunction;

(b) The commissioner may, after notice and hearing, impose a civil penalty against any licensee if the licensee, individual required to be registered, or employee is adjudged by the commissioner to be in violation of the provisions of this chapter. The civil penalty shall not exceed Five Hundred Dollars ($500.00) per violation and shall be deposited into the Consumer Finance Fund of the department;

(c) The state may enforce its rights under the surety bond as required in Section 81-22-7 as an available remedy for the collection of any civil penalties, criminal fines or costs of investigation and/or prosecution incurred;

(d) A civil action by an aggrieved consumer in which that consumer has the right to recover actual damages from the debt management service provider in an amount determined by the court plus costs of the action together with reasonable attorney's fees; or

(e) Revocation, suspension or nonrenewal of the debt management service provider's license under Section 81-22-25.

SECTION 13. Section 81-22-25, Mississippi Code of 1972, is reenacted as follows:

81-22-25. (1) **Suspension or revocation.** After notice and hearing, the commissioner may suspend or revoke a debt management service provider's license if the commissioner finds that one of the conditions of subsection (2) of this section is met.

(2) **Conditions for suspension or revocation.** The following conditions are grounds for suspension or revocation of a registration:

(a) A fact or condition exists that, if it had existed at the time when the licensee applied for a license, would have been grounds for denying the application;

(b) The licensee knowingly violates a material provision of this chapter or rule or order validly adopted by the commissioner under authority of this chapter;

(c) The licensee is insolvent;

(d) The licensee refuses to permit the commissioner to make an examination authorized by this chapter; or

(e) The licensee fails to respond within a reasonable time and in an appropriate manner to communications from the commissioner.

SECTION 14. Section 81-22-27, Mississippi Code of 1972, is reenacted as follows:

81-22-27. The commissioner may employ the necessary full-time employees above the number of permanent full-time employees authorized for the department for the fiscal year 2003, to carry out and enforce the provisions of this chapter. The

commissioner also may expend the necessary funds and equip and provide necessary travel expenses for those employees.

SECTION 15. Section 81-22-28, Mississippi Code of 1972, is reenacted as follows:

81-22-28. (1) If a licensee seeks to utilize a third-party payment processor, to hold, have access to, effectuate possession of, by any means, or to distribute or be in the chain of distribution of the monies of another licensee's consumers, the licensee shall give the Department of Banking and Consumer Finance ten (10) days' written notice.

(2) Such notice shall contain the name and address of the third-party payment processor, a description of the services, a copy of the agreement or contract between the licensee and the third-party payment processor and the highest daily amount of consumer funds to be held or transmitted. The third-party payment processor shall submit to the department, upon request, the highest daily amount held or transmitted during the previous month.

(3) Each third-party payment processor shall file with the commissioner a surety bond, issued by a bonding company or insurance company authorized to do business in the State of Mississippi, in the principal sum of Fifty Thousand Dollars ($50,000.00) and in an additional principal sum of Fifty Thousand Dollars ($50,000.00) for each additional licensee it contracts with, but in no event shall the bond be required to be in excess

of One Hundred Fifty Thousand Dollars ($150,000.00). In lieu of the surety bond, a third-party payment processor may file other assets such as cash, a certificate of deposit or government bonds.

(4) A licensee shall not use a third-party payment processor until the licensee receives written notice from the department confirming that the department has received a surety bond or other assets from the third-party payment processor.

(5) Prior to performing any of its services, the third-party payment processor shall provide written authorization for the department to examine all books, records, documents and materials, including those maintained in electronic form, as they relate to the consumers' monies held by, or distributed by the third-party payment processor to the creditors of the consumers and shall have received written confirmation from the department that the written authorization is sufficient. The cost of the examination shall be paid by the licensee.

(6) All agreements or contracts between a licensee and a third-party payment processor shall provide for a thirty-day written notice of termination to the party against whom termination is being sought. A licensee shall immediately notify the department in writing of the notice of termination.

(7) In the event a licensee elects to maintain cash, a certificate of deposit or government bonds on deposit, and utilizes the services of a third-party payment processor, there is no requirement that the third-party payment processor obtain a

surety bond or maintain other assets on deposit with the department.

SECTION 16. Section 81-22-31, Mississippi Code of 1972, is amended as follows:

81-22-31. Sections 81-22-1 through 81-22-28, Mississippi Code of 1972, shall stand repealed on July 1, * * * 2022.

SECTION 17. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 807

Description: Public lands; extend repealer on statute prohibiting corporations and nonresident aliens from purchasing.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Public Property
2	01/29	(H) Title Suff Do Pass
3	01/31	(H) Passed {Vote}
4	02/01	(H) Transmitted To Senate
5	02/26	(S) Referred To Public Property
6	02/27	(S) Title Suff Do Pass
7	03/06	(S) Passed {Vote}
8	03/07	(S) Returned For Enrolling
9	03/08	(H) Enrolled Bill Signed
10	03/11	(S) Enrolled Bill Signed
11	03/15	Approved by Governor

Code Section: A 029-0001-0075

----- Additional Information -----

House Committee: Public Property
Senate Committee: Public Property

Principal Author: White

Title: AN ACT TO AMEND SECTION 29-1-75, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE RESTRICTIONS IMPOSED ON THE PURCHASE OF PUBLIC LANDS BY CERTAIN CORPORATIONS AND NONRESIDENT ALIENS; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 807

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative White To: Public Property

HOUSE BILL NO. 807

AN ACT TO AMEND SECTION 29-1-75, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE RESTRICTIONS IMPOSED ON THE PURCHASE OF PUBLIC LANDS BY CERTAIN CORPORATIONS AND NONRESIDENT ALIENS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 29-1-75, Mississippi Code of 1972, is amended as follows:

29-1-75. (1) Except as otherwise provided in this section, neither a corporation nor a nonresident alien, nor any association of persons composed in whole or in part of nonresident aliens, shall directly or indirectly purchase or become the owner of any of the public lands; and every patent issued in contravention hereof shall be void.

(2) (a) A banking corporation owning such tax-forfeited lands or holding a mortgage or deed of trust thereon at the time of the sale to the state, and whose mortgage or deed of trust is still in force and effect, may purchase such lands, regardless of acreage, owned by it as aforesaid or on which it held a mortgage or deed of trust. In event of a purchase by such corporation as a

mortgagee, such lands shall be held for the benefit of the mortgagor subject to all the terms and conditions of the mortgage or deed of trust held by the purchasing banking corporation and, upon payment of the debt secured by such mortgage or deed of trust, together with interest and incidents, such banking corporation shall in that event reconvey such lands to the original mortgagor, his heirs or assigns.

(b) Any other nonbanking corporation may purchase lands sold or forfeited to the state for delinquent taxes under any section of Chapter 1, Title 29, specifically relating to the sale of such tax-forfeited lands by the Secretary of State. A nonbanking corporation purchasing land sold or forfeited to the state shall be subject to the acreage limitations of Section 29-1-73.

(c) Nonresident aliens may acquire and hold not to exceed three hundred twenty (320) acres of public lands in this state for the purpose of industrial development thereon. In addition, any nonresident alien may acquire and hold not to exceed five (5) acres of public lands for residential purposes. If any land acquired by a nonresident alien for the purpose of industrial development ceases to be used for industrial development, it shall escheat to the public body that sold such land to the nonresident alien.

(3) This section shall stand repealed on July 1, * * * 2022.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 808

Description: Income tax; extend repealer on tax credit for new cut and sew jobs in upholstered furniture manufacturing industry.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: January 1, 2019

History of Actions:

1	01/21	(H) Referred To Ways and Means
2	01/29	(H) Title Suff Do Pass
3	02/04	(H) Passed {Vote}
4	02/05	(H) Transmitted To Senate
5	02/20	(S) Referred To Finance
6	03/05	(S) Title Suff Do Pass
7	03/07	(S) Passed {Vote}
8	03/11	(S) Returned For Enrolling
9	03/12	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/15	Approved by Governor

Code Section: A 027-0007-0022.36

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: White

Title: AN ACT TO AMEND SECTION 27-7-22.36, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES AN INCOME TAX CREDIT FOR ENTERPRISES THAT OWN OR OPERATE UPHOLSTERED HOUSEHOLD FURNITURE MANUFACTURING FACILITIES FOR EACH FULL-TIME EMPLOYEE EMPLOYED BY THE SUCH ENTERPRISE IN A NEW CUT AND SEW JOB, TO EXTEND THE DATE OF THE REPEALER ON THAT SECTION; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 808

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative White To: Ways and Means

HOUSE BILL NO. 808

AN ACT TO AMEND SECTION 27-7-22.36, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES AN INCOME TAX CREDIT FOR ENTERPRISES THAT OWN OR OPERATE UPHOLSTERED HOUSEHOLD FURNITURE MANUFACTURING FACILITIES FOR EACH FULL-TIME EMPLOYEE EMPLOYED BY THE SUCH ENTERPRISE IN A NEW CUT AND SEW JOB, TO EXTEND THE DATE OF THE REPEALER ON THAT SECTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-7-22.36, Mississippi Code of 1972, is amended as follows:

27-7-22.36. (1) As used in this section:

(a) "Full-time employee" means an employee that works at least thirty-five (35) hours per week.

(b) "New cut and sew job" means a job in which the employee cuts and sews upholstery for upholstered household furniture and which job did not exist in this state before January 1, 2010.

(2) Any enterprise owning or operating an upholstered household furniture manufacturing facility is allowed a job tax credit for taxes imposed by this chapter equal to Two Thousand Dollars ($2,000.00) annually for each full-time employee employed

in a new cut and sew job for a period of five (5) years from the date the credit commences. The credit shall commence on the date selected by the enterprise. For the year in which the commencement date occurs, the credit will be determined based on the monthly average number of full-time employees employed in new cut and sew jobs subject to the Mississippi income tax withholding that are employed by the enterprise. For each year thereafter, the number of new cut and sew jobs shall be determined by comparing the monthly average number of full-time employees employed in new cut and sew jobs subject to the Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. The Department of Revenue shall verify that the jobs claimed by enterprises to obtain the credit meet the definition of the term "new cut and sew job." The Department of Revenue shall adjust the credit allowed each year for employment fluctuations.

(3) The credit that may be used each year shall be limited to an amount not greater than the total state income tax liability of the enterprise. Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) consecutive years from the close of the tax year in which the credits were earned.

(4) The tax credits provided for in this section shall be in lieu of the tax credits provided for in Section 57-73-21 and any

enterprise using the tax credit authorized in this section shall not use the tax credit authorized in Section 57-73-21.

(5) Any taxpayer who is eligible for the credit authorized in this section prior to January 1, * * * 2022, shall be eligible for the credit authorized in this section, notwithstanding the repeal of this section, and shall be allowed to carry forward the credit after January 1, * * * 2022, as provided for in subsection (3) of this section.

(6) This section shall be repealed from and after January 1, * * * 2022.

SECTION 2. This act shall take effect and be in force from and after January 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 869

Description: Private project construction bonds; regulate.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Judiciary A
2	01/31	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/08	(H) Transmitted To Senate
5	02/26	(S) Referred To Judiciary, Division A
6	03/05	(S) Title Suff Do Pass
7	03/07	(S) Passed {Vote}
8	03/11	(S) Returned For Enrolling
9	03/12	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/19	Approved by Governor

Code Section: A 085-0007-0431, A 031-0005-0055

----- Additional Information -----

House Committee: Judiciary A
Senate Committee: Judiciary, Division A

Principal Author: Baker

Title: AN ACT TO CREATE NEW CODE SECTION 85-7-432, MISSISSIPPI CODE OF 1972, TO REGULATE PRIVATE PROJECT CONSTRUCTION BONDS; TO AUTHORIZE ANY PERSON WHO HAS PERFORMED WORK ON A PRIVATE PROJECT, BUT HAS NOT BEEN PAID WITHIN A CERTAIN TIME, TO SUE; TO CREATE A RIGHT OF ACTION UPON A PRIVATE WORK PAYMENT BOND FOR CERTAIN PERSONS; TO LIST THE PERSONS PROTECTED BY A PAYMENT BOND; TO PROVIDE A TIME PERIOD FOR COMMENCING A SUIT ON A PERFORMANCE BOND; TO PROVIDE THAT ANY PERSON SUPPLYING LABOR OR MATERIALS FOR EXECUTING OF WORK ON PRIVATE PROJECT CONSTRUCTION SHALL BE FURNISHED THE CONTRACT AND BONDS WITHIN A CERTAIN PERIOD OF TIME; TO AUTHORIZE A TRIAL JUDGE HEARING AN ACTION REGARDING

SUCH BONDS TO AWARD ATTORNEY'S FEES; TO AMEND SECTIONS 85-7-431 AND 31-5-55, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 869

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Baker To: Judiciary A

HOUSE BILL NO. 869

AN ACT TO CREATE NEW CODE SECTION 85-7-432, MISSISSIPPI CODE OF 1972, TO REGULATE PRIVATE PROJECT CONSTRUCTION BONDS; TO AUTHORIZE ANY PERSON WHO HAS PERFORMED WORK ON A PRIVATE PROJECT, BUT HAS NOT BEEN PAID WITHIN A CERTAIN TIME, TO SUE; TO CREATE A RIGHT OF ACTION UPON A PRIVATE WORK PAYMENT BOND FOR CERTAIN PERSONS; TO LIST THE PERSONS PROTECTED BY A PAYMENT BOND; TO PROVIDE A TIME PERIOD FOR COMMENCING A SUIT ON A PERFORMANCE BOND; TO PROVIDE THAT ANY PERSON SUPPLYING LABOR OR MATERIALS FOR EXECUTING OF WORK ON PRIVATE PROJECT CONSTRUCTION SHALL BE FURNISHED THE CONTRACT AND BONDS WITHIN A CERTAIN PERIOD OF TIME; TO AUTHORIZE A TRIAL JUDGE HEARING AN ACTION REGARDING SUCH BONDS TO AWARD ATTORNEY'S FEES; TO AMEND SECTIONS 85-7-431 AND 31-5-55, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 85-7-432, Mississippi Code of 1972:

85-7-432. (1) Any person entering into a formal contract for the construction, alteration, or repair of any private building or other private work, before entering into such contract, may furnish to the owner, bonds with good and sufficient surety in which case the bonds shall conform to the requirements of this chapter as follows:

(a) A performance bond shall be payable to, in favor of or for the protection of such owner, for the work to be done in an amount not less than the amount of the contract, conditioned for the full and faithful performance of the contract;

(b) A payment bond shall be payable to the owner but conditioned for the prompt payment of all persons supplying labor or material used in the execution of the work under the contract, for the use of each such person, in an amount not less than the amount of the contract; and

(c) The bonds herein provided for may be made by any surety company which is authorized to do business in the State of Mississippi and listed on the United States Treasury Department's list of acceptable sureties.

(2) Every person who has furnished labor or material used in the execution of the private work provided for in such contract, in respect of which a payment bond is furnished, and who has not been paid in full for such before the expiration of a period of ninety (90) days after the date on which the last of the labor was performed by him or her or the last of the materials was furnished by him or her and for which such claim is made, provided the same has been approved, where required, by the owner or its architect or engineers, or such approval is being withheld as a result of unreasonable acts of the contractor, shall have the right to sue on such payment bond for the amount, or the balance thereof that is due and payable, but unpaid at the time of institution of such

suit and to prosecute said action to final execution and judgment. Notwithstanding anything to the contrary contained herein, if the amount claimed in such action is subject to contractual provisions or conditions, between the parties involved in such action, the action shall be abated pending the performance of such provisions and the fulfillment of such conditions.

(3) Any person having direct contractual relationship with a subcontractor, but no contractual relationship express or implied with the contractor furnishing the private work payment bond shall have a right of action upon the said payment bond upon giving written notice to said contractor within ninety (90) days from the date on which such person did or performed the last of the labor or furnished or supplied the last of the material for which such claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or supplied or for whom the labor was done or performed. Such notice shall be given in writing by the claimant to the contractor or surety at any place where the contractor or surety maintains an office or conducts business. Such notice may be personally delivered by the claimant to the contractor or surety, or it may be mailed by certified mail, return receipt requested, postage prepaid, or emailed with a receipt of a read receipt, to the contractor or surety. No such action may be maintained by any person not having a direct contractual relationship with the

contractor principal, unless the notice required by this section shall have been given.

(4) The only persons protected by such payment bond, subject to the notice provisions of this section are:

(a) Subcontractors and material suppliers of the contractor;

(b) Sub-subcontractors and material suppliers of those subcontractors named in subsection (4)(a) of this subsection; and

(c) Laborers who have performed work on the project site.

(5) (a) When suit is instituted on a performance bond given in accordance with this chapter, it shall be commenced within one (1) year after the obligee shall have made final payment on the contract; provided, however, if the contract is abandoned by the general contractor as bond principal or is terminated by the bond obligee, suit shall be commenced within one (1) year after the earlier of the abandonment by the bond principal or termination by the bond obligee.

(b) When suit is instituted on a payment bond given in accordance with this chapter, it shall be commenced within one (1) year after the day on which the last of the labor was performed or material was supplied by the person bringing the action and not later.

(c) Any suit brought on a performance or payment bond given in accordance with this chapter shall be brought in the

county in which the contract or some part thereof was performed or in the county in which service of process may be obtained upon either the principal or the surety on such bond. Service of process on the surety through the Commissioner of Insurance does not satisfy the venue requirement of this section.

(6) Any person supplying labor or materials for the execution of the work shall, upon a written request to the owner/obligee, or to the contractor/principal, be furnished promptly with a true and correct copy of the contract and bonds within thirty (30) days of the request or the recipient of the request shall thereafter become liable for reasonable attorney's fees and costs in any subsequent action under this section. The written request may be evidenced by any reliable means of delivery.

(7) Whenever any person supplying labor or material in the execution of the work brings an action on such payment bond and the trial judge finds that the defense raised to such action by the contractor or surety was not reasonable, or not in good faith, or merely for the purpose of delaying payment, then the trial judge may, in his discretion, award the claimant a reasonable amount to be determined by the trial judge as claimant's attorney's fees in bringing such successful action. Likewise, if the trial judge finds that such action was brought by claimant without just cause or in bad faith, the trial judge may, in his discretion, award the contractor or surety a reasonable amount to

be determined by the trial judge as attorney's fees for defending such action; provided, however, this section shall not affect the right of any person to recover attorney's fees where provided by contract or bond.

SECTION 2. Section 85-7-431, Mississippi Code of 1972, is amended as follows:

85-7-431. Where a contractor gives a payment bond providing payment protection to subcontractors and material suppliers to the full extent provided by the Mississippi Little Miller Act found at Section 31-5-51 or the private project bond provision at Section 85-7-432, the payment bond shall be in substitution for the liens provided for a subcontractor or materialman in this article. The contractor's right to a lien is not affected by the provision of a bond.

SECTION 3. Section 31-5-55, Mississippi Code of 1972, is amended as follows:

31-5-55. Any person supplying labor or materials for the prosecution of the work shall, upon request to the owner or obligee, or to the contractor or principal, be furnished * * * promptly with a true and correct copy of the contract and bonds within thirty (30) days of the request or the recipient of the request shall thereafter become liable for reasonable attorney's fees and costs in any subsequent action under this section. The written request may be evidenced by any reliable means of delivery.

SECTION 4. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 872

Description: Manufacturers of motor vehicles; create standards for relations with its franchisees.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Judiciary A
2	01/31	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/08	(H) Transmitted To Senate
5	02/26	(S) Referred To Finance
6	03/05	(S) Title Suff Do Pass
7	03/12	(S) Amended
8	03/12	(S) Passed As Amended {Vote}
9	03/13	(S) Returned For Concurrence
10	03/14	(H) Concurred in Amend From Senate {Vote}
11	03/20	(H) Enrolled Bill Signed
12	03/20	(S) Enrolled Bill Signed
13	03/22	Approved by Governor

Amendments:
[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 872

Code Section: A 063-0017-0073

----- Additional Information -----

House Committee: Judiciary A
Senate Committee: Finance

Principal Author: Baker
Additional Authors: Sykes

Title: AN ACT TO AMEND SECTION 63-17-73, MISSISSIPPI CODE OF 1972, TO PROHIBIT A MOTOR VEHICLE MANUFACTURER, DISTRIBUTOR, WHOLESALER OR ANY FACTORY, BRANCH OR DIVISION THEREOF

FROM COERCING A MOTOR VEHICLE DEALER INTO CONSTRUCTING OR SUBSTANTIALLY ALTERING A FACILITY OR PREMISES UNDER CERTAIN CONDITIONS; TO PRESCRIBE STANDARDS FOR MOTOR VEHICLE MANUFACTURERS TO REGULATE COSTS AND MANAGEMENT OF INVENTORY BETWEEN MOTOR VEHICLE MANUFACTURERS AND ITS FRANCHISEES; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 872

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Baker, Sykes To: Judiciary A

HOUSE BILL NO. 872
(As Sent to Governor)

AN ACT TO AMEND SECTION 63-17-73, MISSISSIPPI CODE OF 1972, TO PROHIBIT A MOTOR VEHICLE MANUFACTURER, DISTRIBUTOR, WHOLESALER OR ANY FACTORY, BRANCH OR DIVISION THEREOF FROM COERCING A MOTOR VEHICLE DEALER INTO CONSTRUCTING OR SUBSTANTIALLY ALTERING A FACILITY OR PREMISES UNDER CERTAIN CONDITIONS; TO PRESCRIBE STANDARDS FOR MOTOR VEHICLE MANUFACTURERS TO REGULATE COSTS AND MANAGEMENT OF INVENTORY BETWEEN MOTOR VEHICLE MANUFACTURERS AND ITS FRANCHISEES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-17-73, Mississippi Code of 1972, is amended as follows:

63-17-73. (1) It is unlawful * * *:

(a) For any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, or act as a motor vehicle dealer, motor vehicle salesman, manufacturer, distributor, wholesaler, factory branch or division, distributor branch or division, wholesaler branch or division, factory representative or distributor representative, as such, in this state without first obtaining a license therefor as provided in the Mississippi Motor Vehicle Commission Law, regardless of whether or not the person, firm, association, corporation or trust

maintains or has a place or places of business in this state. Any person, firm, association, corporation or trust engaging, acting or serving in more than one (1) of the capacities or having more than one (1) place where the business is carried on or conducted shall be required to obtain and hold a current license for each capacity and place of business.

(b) For a motor vehicle dealer or a motor vehicle salesman:

(i) To require a purchaser of a new motor vehicle, as a condition of sale and delivery thereof, to also purchase special features, appliances, equipment, parts or accessories not desired or requested by the purchaser. However, this prohibition shall not apply as to special features, appliances, equipment, parts or accessories which are already installed on the car when received by the dealer.

(ii) To represent and sell as a new motor vehicle any motor vehicle which has been used and operated for demonstration purposes or which is otherwise a used motor vehicle.

(iii) To resort to or use any false or misleading advertisement in connection with his business as a motor vehicle dealer or motor vehicle salesman.

(iv) To sell an extended service contract, extended maintenance plan or similar product that is not offered, endorsed or sponsored by a manufacturer or distributor without disclosing to the consumer, orally and in writing, that the

offered product is not provided or supported by a manufacturer or distributor.

(c) For a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesaler branch or division, or officer, agent or other representative thereof, to coerce, or attempt to coerce, any motor vehicle dealer:

(i) To order or accept delivery of any motor vehicle or vehicles, appliances, equipment, parts or accessories therefor, or any other commodity or commodities which shall not have been voluntarily ordered by the motor vehicle dealer.

(ii) To order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of the motor vehicles as publicly advertised by the manufacturer thereof.

(iii) To order for any person any parts, accessories, equipment, machinery, tools, appliances or any commodity whatsoever.

(iv) To contribute or pay money or anything of value into any cooperative or other advertising program or fund.

This paragraph (c) shall not apply to manufacturers of motor homes governed by the provisions of Sections 63-17-201 through 63-17-221.

(d) For a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a

wholesaler branch or division, or officer, agent or other representative thereof:

(i) To refuse to deliver in reasonable quantities and within a reasonable time after receipt of dealer's order to any duly licensed motor vehicle dealer having a franchise or contractual arrangement for the retail sale of new motor vehicles sold or distributed by such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division, any motor vehicles as are covered by such franchise or contract specifically publicly advertised by the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division, to be available for immediate delivery. However, the failure to deliver any motor vehicle shall not be considered a violation of this subsection if the failure is due to acts of God, work stoppages or delays due to strikes or labor difficulties, freight embargoes or other causes over which the manufacturer, distributor or wholesaler, or any agent thereof, has no control.

(ii) To coerce, or attempt to coerce any motor vehicle dealer to enter into any agreement, with the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, or officer, agent or other representative thereof, or to do any other act prejudicial to the dealer by threatening to cancel any franchise or any contractual agreement existing between the manufacturer,

distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, and the dealer. However, good-faith notice to any motor vehicle dealer of the dealer's violation of any terms or provisions of the franchise or contractual agreement shall not constitute a violation of this subsection.

(iii) To terminate or cancel the franchise or selling agreement of any dealer without due cause. The nonrenewal of a franchise or selling agreement, without due cause, shall constitute an unfair termination or cancellation, regardless of the terms or provisions of such franchise or selling agreement. "Due cause" shall be defined as a breach by the dealer of a material provision of the franchise agreement which breach has not been cured within a reasonable time after the dealer has been given written notice of the breach. The burden of proving that due cause exists shall be upon the party attempting to terminate, cancel or not renew the franchise or selling agreement. The manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, or officer, agent or other representative thereof shall notify a motor vehicle dealer in writing, and forward a copy of the notice to the commission, of the termination or cancellation of the franchise or selling agreement of the dealer at least sixty (60) days before the effective date thereof, stating the specific grounds for such termination or cancellation. The manufacturer,

distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, or officer, agent or other representative thereof shall notify a motor vehicle dealer in writing, and forward a copy of the notice to the commission, at least sixty (60) days before the contractual term of his franchise or selling agreement expires that the franchise or selling agreement will not be renewed, stating the specific grounds for the nonrenewal, in those cases where there is no intention to renew the franchise or selling agreement. In no event shall the contractual term of any franchise or selling agreement expire, without the written consent of the motor vehicle dealer involved, prior to the expiration of at least sixty (60) days following such written notice. Any motor vehicle dealer who receives written notice that his franchise or selling agreement is being terminated or cancelled or who receives written notice that his franchise or selling agreement will not be renewed, may, within the sixty-day notice period, file with the commission a verified complaint for its determination as to whether the termination or cancellation or nonrenewal is unfair within the purview of the Mississippi Motor Vehicle Commission Law, and the franchise agreement shall continue in effect until final determination of the issues raised in the complaint notwithstanding anything to the contrary contained in the law or in the franchise or selling agreement.

(iv) To require, attempt to require, coerce or attempt to coerce a dealer, by franchise agreement or otherwise, or as a condition to the renewal or continuation of a franchise agreement, to materially change the dealer's method of conducting business, not including its facilities, if the change would impose substantial and unreasonable financial hardship on the business of the motor vehicle dealer in light of the business objective of the proposed change, unless the change is voluntarily agreed to by the dealer for separate and valuable consideration.

(v) To offer to sell or to sell any new motor vehicle to any motor vehicle dealer at a lower actual price therefor than the actual price charged to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device, including, but not limited to, sales promotion plans or programs which result in such lesser actual price. The provisions of this subparagraph shall not apply so long as a manufacturer, distributor or wholesaler, or any agent thereof, offers to sell or sells new motor vehicles to all motor vehicle dealers at the same price. This subparagraph shall not be construed to prevent the offering of volume discounts if such discounts are equally available to all franchised motor vehicle dealers of the same line or make in this state.

The provisions of this subsection shall not apply to sales to a motor vehicle dealer of any motor vehicle ultimately sold, donated or used by such dealer in a driver education program, to

sales to a motor vehicle dealer for resale to any unit of government, federal, state or local, or to bona fide fleet sales.

(vi) To offer to sell or to sell parts and/or accessories to any new motor vehicle dealer for use in his own business for the purpose of repairing or replacing the same or a comparable part or accessory, at a lower actual price therefor than the actual price charged to any other new motor vehicle dealer for similar parts and/or accessories for use in his own business. However, it is recognized that certain motor vehicle dealers operate and serve as wholesalers of parts and accessories to retail outlets, and nothing herein contained shall be construed to prevent a manufacturer, distributor or wholesaler, or any agent thereof, from selling to a motor vehicle dealer who operates and serves as a wholesaler of parts and accessories, the parts and accessories as may be ordered by such motor vehicle dealer for resale to retail outlets, at a lower actual price than the actual price charged a motor vehicle dealer who does not operate or serve as a wholesaler of parts and accessories.

(vii) To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from changing the capital structure of his dealership or the means by or through which he finances the operation of his dealership, provided the motor vehicle dealer at all times meets any capital standards agreed to between the dealership and the manufacturer, distributor or

wholesaler, provided such standards are deemed reasonable by the commission.

(viii) To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer or any officer, partner or stockholder of any motor vehicle dealer from selling or transferring any part of the interest of any of them to any other person or persons or party or parties. However, no motor vehicle dealer, officer, partner or stockholder shall have the right to sell, transfer or assign the franchise or any right thereunder without the consent of the manufacturer, distributor or wholesaler which consent shall not be unreasonably withheld.

(ix) To condition unreasonably the renewal or extension of a franchise on a motor vehicle dealer's substantial renovation of the motor vehicle dealer's place of business or on the construction, purchase, acquisition or rental of a new place of business by the motor vehicle dealer. The manufacturer shall notify the motor vehicle dealer in writing of its intent to impose such a condition within a reasonable time prior to the effective date of the proposed renewal or extension, but in no case less than one hundred eighty (180) days prior to the renewal or extension. Upon receipt of written notification, a motor vehicle dealer shall have sixty (60) days to file a protest with the commission, and the manufacturer shall demonstrate to the commission the need for the demand in view of the need to service the public and the economic conditions existing in the motor

vehicle industry and the market area served by the motor vehicle dealer at the time the action would be required of the motor vehicle dealer. As part of any such condition the manufacturer shall offer the motor vehicle dealer a reasonable initial supply and model mix of motor vehicles to meet the sales levels necessary to support the increased overhead incurred by the motor vehicle dealer by reason of the renovation, construction, purchase or rental of a new place of business consistent with nationally applied standards.

(x) To require, coerce or attempt to coerce a motor vehicle dealer to refrain from participation in the management of, investment in, the acquisition of, or the current operation of any other line of motor vehicles or related products, as long as the motor vehicle dealer maintains a reasonable line of credit for each dealership and the motor vehicle dealer remains in substantial compliance with reasonable facilities' requirements of the manufacturer or distributor. The reasonable facilities' requirements may not include any requirement that a motor vehicle dealer establish or maintain exclusive facilities, personnel or display space when the requirements are unreasonable considering current economic conditions in the market area and not otherwise justified by reasonable business considerations. The burden of proving by a preponderance of the evidence that the current economic conditions and reasonable business considerations justify exclusive facilities is on the manufacturer. Voluntary and

noncoerced acceptance of such conditions by the motor vehicle dealer in writing for separate and valuable consideration shall not constitute a violation.

(xi) To fail or refuse to sell or offer to sell to all motor vehicle dealers in a line or make, every motor vehicle sold or offered for sale under the franchise agreement to any motor vehicle dealer of the same line or make; or to unreasonably require a motor vehicle dealer to pay an extra fee, purchase unreasonable advertising displays or any other materials, or to unreasonably require the dealer-operator to remodel, renovate or recondition its existing facilities as a prerequisite to receiving a certain model or series of vehicles. However, the failure to deliver any such motor vehicle shall not be considered a violation of this section if the failure is not arbitrary and is due to a lack of manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo or other cause of which the manufacturer or distributor has no control. This provision shall not apply to manufacturers of recreational vehicles.

(xii) To condition the sale, transfer, relocation or renewal of a franchise or dealer agreement or to condition sales, services, parts or finance incentives upon site-control agreement; however, voluntary and noncoerced acceptance of such conditions by the motor vehicle dealer in writing, shall not constitute a violation.

(xiii) To assign or change a motor vehicle dealer's market area under the franchise or motor vehicle dealer's agreement arbitrarily or without due regard to the present or projected future pattern of motor vehicle sales and registrations within the motor vehicle dealer's market area, and without first having provided the motor vehicle dealer's with written notice of the change in the motor vehicle dealer's market area and a detailed description of the change and reasons therefor.

(xiv) To attempt to coerce, or coerce, a motor vehicle dealer to adhere to performance standards that are not applied uniformly to other similarly situated motor vehicle dealers.

(xv) To establish any performance standard or program for measuring motor vehicle dealer's performance that may have a material impact on a motor vehicle dealer that is not fair, reasonable and equitable, or applying any such standard or program to a motor vehicle dealer in a manner that is not fair, reasonable and equitable. If dealership performance standards are based on a survey, the manufacturer or distributor shall establish the objectivity of the survey process and provide this information to any motor vehicle dealer covered by the survey request. Within fifteen (15) business days of a request by the motor vehicle dealer, a manufacturer shall disclose in writing to the motor vehicle dealer a description of the performance standard or program and all relevant information used in the application of

the performance standard or program to that motor vehicle dealer unless the manufacturer has already provided the information.

(xvi) To increase prices of new motor vehicles which the new motor vehicle dealer had ordered for the ultimate purchasers prior to the motor vehicle dealer's receipt of written official price increase notification. A sales contract signed by the ultimate purchaser that includes model and firm price shall constitute evidence of each such order provided that the vehicle is in fact delivered to that purchaser.

(xvii) To attempt to require, coerce or attempt to coerce any new motor vehicle dealer to sell, offer to sell or sell exclusively an extended service contract, extended maintenance plan or similar product, including, without limitation, GAP products, offered, endorsed or sponsored by the manufacturer or distributor by any of the following means:

1. By an act or statement made by the manufacturer or distributor that will adversely impact the motor vehicle dealer whether it is express or implied; or

2. By a provision in a franchise agreement that the motor vehicle dealer shall sell, offer to sell or sell exclusively an extended service contract, extended warranty plan or similar product offered, endorsed or sponsored by the manufacturer or distributor; or

3. By measuring the motor vehicle dealer's performance under the franchise agreement based on the sale of

extended service contracts, extended maintenance plans or similar products offered, endorsed or sponsored by the manufacturer or distributor; or

4. By requiring the motor vehicle dealer to actively promote the sale or extended service contracts, extended maintenance plans or similar products offered, endorsed or sponsored by the manufacturer or distributor.

Nothing in this subparagraph shall prohibit a manufacturer or distributor from providing incentive programs to a new motor vehicle dealer who makes the voluntary decision to offer to sell, sell or sell exclusively an extended service contract, extended maintenance plan or similar product offered, endorsed or sponsored by the manufacturer or distributor.

(xviii) To require a motor vehicle dealer to provide its customer lists or service files to the manufacturer or distributor, unless necessary for the sale and delivery of a new motor vehicle to a consumer, to validate and pay consumer or dealer incentives, for reasonable marketing purposes, for evaluation of dealer performance, for analytics or for the submission to the franchisor for any services supplied by the franchisee for any claim for warranty parts or repairs. Nothing in this section shall limit the franchisor's ability to require or use customer information to satisfy any safety or recall notice obligation or other legal obligation.

(xix) To release or cause to be released a motor vehicle dealer's nonpublic customer information to another motor vehicle dealer unless the franchise has been terminated, the customer has relocated to an address that is outside of the motor vehicle dealer's market area, the customer has transacted business with another motor vehicle dealer of the same brand, a customer has not transacted with the dealer from which a vehicle was purchased for a period of nine (9) months, or the motor vehicle dealer consents to the sharing of customer information with other dealers.

(xx) To coerce, attempt to coerce, require or attempt to require any motor vehicle dealer to provide installment financing with a specified financial institution.

(xxi) To require, coerce or attempt to coerce a dealer or successor dealer to construct or substantially alter a facility or premises if such construction or alteration would be unreasonable under the circumstances.

(xxii) To require, coerce or attempt to coerce a dealer or successor dealer to construct or substantially alter a facility or premises if the same area of the facility or premises has been constructed or substantially altered within the last ten (10) years and the construction or alteration was required and approved by the manufacturer as a part of a program, standard or policy, except for improvements made to comply with health or safety laws, or to accommodate the technology requirements

necessary to sell or to service a motor vehicle. As used in this subsection, "substantially alter" means an alteration that substantially impacts the architectural features, characteristics, or integrity of a structure or lot. The term does not include routine maintenance reasonably necessary to maintain a dealership in attractive condition, or items directly protected by federal intellectual property rights of the manufacturer. If, during such ten-year period, the manufacturer revises an existing, or establishes a new program, standard, policy, bonus, incentive, rebate, or other benefit for the construction or substantial alteration of a dealership facility or premises, a motor vehicle dealer who completed a facility as a part of a prior program, standard, or policy within the ten-year period and elects not to comply with the applicant's or manufacturer's requirements under the revised or new program, standard, or facility-related policy will not be eligible for any bonus, incentive, rebate, or other benefit under the revised or new program but shall remain entitled to all benefits under the prior program according to the terms of the prior program in place when the dealer began to perform under the program. If the prior program under which the dealer completed a facility construction or substantial alteration does not contain a specific time period during which the manufacturer or distributor must provide payments or benefits to a dealer, then the manufacturer or distributor may not deny the dealer payment or benefits under the terms of that prior program, as it existed when

the dealer began to perform under the prior program, for the balance of the ten-year period, regardless of whether the manufacturer's or distributor's facility program has been changed or canceled.

(xxiii) To require, coerce, or attempt to coerce a dealer located in this state to purchase goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer from a vendor selected, identified, or designated by a manufacturer, distributor, affiliate, or captive finance source when the dealer may obtain goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer of the same quality, material, and design from a vendor selected by the dealer, provided the dealer obtains prior approval from the manufacturer, distributor or affiliate, for the use of the dealer's selected vendor. Goods shall include signs or sign components to be purchased or leased by the dealer which are not trademarked or otherwise directly protected by the federal intellectual property rights of the manufacturer. Such approval by the manufacturer, distributor or affiliate may not be unreasonably withheld. For purposes of this subdivision, the term "goods" does not include moveable displays, brochures, and promotional materials containing material subject to the intellectual property rights of a manufacturer or

distributor, or special tools as reasonably required by the manufacturer, or parts to be used in repairs under warranty or recall obligations of a manufacturer or distributor. If the manufacturer, distributor or affiliate claims that a vendor chosen by the dealer cannot supply goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer which are the same quality, material, and design, the dealer may file a protest with the commission. When a protest is filed, the commission shall promptly inform the manufacturer, distributor, affiliate, or captive finance source that a protest has been filed. The commission shall conduct a hearing on the merits of the protest within ninety (90) days following the filing of a response to the protest. The manufacturer, distributor or affiliate shall bear the burden of proving that the goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer chosen by the dealer are not of the same quality, material or design to those required by the manufacturer, distributor or affiliate.

This paragraph (d) shall not apply to manufacturers of motor homes governed by the provisions of Sections 63-17-201 through 63-17-221.

(2) Concerning any sale of a motor vehicle or vehicles to the State of Mississippi, or to the several counties or

municipalities thereof, or to any other political subdivision thereof, no manufacturer, distributor or wholesaler shall offer any discounts, refunds, or any other similar type inducements to any dealer without making the same offer or offers to all other of its dealers within the state. If the inducements above mentioned are made, the manufacturer, distributor or wholesaler shall give simultaneous notice thereof to all of its dealers within the state.

(3) It is unlawful to be a broker. For the purpose of this subsection, "broker" means a person who, for a fee, commission or other valuable consideration, arranges or offers to arrange a transaction involving the sale, for purposes other than resale, of a new motor vehicle, and who is not:

(a) A new motor vehicle dealer or agent or employee of such a dealer; or

(b) A distributor or an agent or employee of such a distributor.

However, an individual shall not be deemed to be a broker if he or she is the owner of the new or used motor vehicle which is the object of the brokering transaction.

(4) (a) For purposes of this subsection, the term "Stop-Sale" or "Do-Not-Drive" order means a notification issued by a manufacturer to its franchised new motor vehicle dealers stating that certain used vehicles in inventory shall not be sold or leased, at either retail or wholesale, due to a federal safety

recall for a defect or noncompliance, or a federal emissions recall.

(b) A manufacturer shall compensate its new motor vehicle dealers for all labor and parts required by the manufacturer to perform recall repairs. Compensation for recall repairs shall be reasonable. If parts or a remedy are not reasonably available to perform a recall service or repair on a used vehicle held for sale by a dealer authorized to sell and service new vehicles of the same line-make within thirty (30) days of the manufacturer issuing the initial notice of recall, and the manufacturer has issued a Stop-Sale or Do-Not-Drive order on the vehicle, the manufacturer shall compensate the dealer at a prorated rate of at least one percent (1%) of the value of the vehicle per month beginning on the date that is thirty (30) days after the date on which the Stop-Sale or Do-Not-Drive order was provided to the dealer until the earlier of either of the following:

(i) The date the recall or remedy parts are made available; or

(ii) The date the dealer sells, trades, or otherwise disposes of the affected used motor vehicle.

(c) The value of a used vehicle shall be the average trade-in value for used vehicles as indicated in an independent third party guide for the year, make, and model, of the recalled vehicle.

(d) This subsection shall apply only to used vehicles subject to safety or emissions recalls pursuant to and recalled in accordance with federal law and regulations adopted thereunder and where a Stop-Sale or Do-Not-Drive order has been issued and repair parts or remedy remain unavailable for thirty (30) days or longer. This subsection further shall apply only to new motor vehicle dealers holding an affected used vehicle for sale:

(i) In inventory at the time the Stop-Sale or Do-Not-Drive order was issued; or

(ii) Which was taken in the used vehicle inventory of the dealer as a consumer trade-in incident to the purchase of a new vehicle from the dealer after the Stop-Sale or Do-Not-Drive order was issued; and

(iii) That are a line-make that the dealer is franchised to sell or on which the dealer is authorized to perform recall repairs.

(e) It shall be a violation of this subsection for a manufacturer to reduce the amount of compensation otherwise owed to an individual new motor vehicle dealer, whether through a chargeback, removal of the individual dealer from an incentive program or reduction in amount owed under an incentive program solely because the new motor vehicle dealer has submitted a claim for reimbursement under this subsection. This subsection shall not apply to an action by a manufacturer that is applied uniformly among all dealers of the same line-make in the state.

(f) All reimbursement claims made by new motor vehicle dealers pursuant to this subsection for recall remedies or repairs, or for compensation where no part or repair is reasonably available and the vehicle is subject to a Stop-Sale or Do-Not-Drive order shall be subject to the same limitations and requirements as a warranty reimbursement claim made under paragraph (j) of Section 63-17-85. In the alternative, a manufacturer may compensate its franchised dealers under a national recall compensation program provided the compensation under the program is equal to or greater than that provided under paragraph (b); or the manufacturer and dealer otherwise agree.

(g) A manufacturer may direct the manner and method in which a dealer must demonstrate the inventory status of an affected used motor vehicle to determine eligibility under this subsection, provided that the manner and method may not be unduly burdensome and may not require information that is unduly burdensome to the dealer.

(h) Nothing in this subsection shall require a manufacturer to provide total compensation to a dealer which would exceed the total average trade-in value of the affected used motor vehicle as originally determined under paragraph (b) of this subsection (4).

(i) If a recall remedy for an affected use motor vehicle is available under a federal statute or regulation, then a

dealer may opt to be compensated under either the federal statute or authority of this subsection but may not combine the remedies.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 874

Description: County sheriffs; revise daily amount that may be expended to feed county prisoners.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To County Affairs
2	01/29	(H) Title Suff Do Pass
3	01/30	(H) Passed {Vote}
4	01/31	(H) Transmitted To Senate
5	02/26	(S) Referred To County Affairs
6	03/05	(S) Title Suff Do Pass As Amended
7	03/12	(S) Amended
8	03/12	(S) Passed As Amended {Vote}
9	03/13	(S) Returned For Concurrence
10	03/14	(H) Concurred in Amend From Senate {Vote}
11	03/19	(H) Enrolled Bill Signed
12	03/19	(S) Enrolled Bill Signed
13	03/21	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 874

Code Section: A 019-0025-0073

----- Additional Information -----

House Committee: County Affairs
Senate Committee: County Affairs

Principal Author: Baker
Additional Authors: Sykes

Title: AN ACT TO AMEND SECTION 19-25-73, MISSISSIPPI CODE OF 1972, TO INCREASE FROM $6.00 TO $15.00 PER DAY PER PRISONER THAT COUNTY SHERIFFS MAY EXPEND UPON FEEDING PRISONERS HOUSED WITHIN

COUNTY JAILS WHENEVER SUCH SHERIFFS PURCHASE FOOD, IN THE NAME OF THE COUNTY, FOR THE PRISONERS; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 874

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Baker, Sykes To: County Affairs

HOUSE BILL NO. 874
(As Sent to Governor)

AN ACT TO AMEND SECTION 19-25-73, MISSISSIPPI CODE OF 1972, TO INCREASE FROM $6.00 TO $15.00 PER DAY PER PRISONER THAT COUNTY SHERIFFS MAY EXPEND UPON FEEDING PRISONERS HOUSED WITHIN COUNTY JAILS WHENEVER SUCH SHERIFFS PURCHASE FOOD, IN THE NAME OF THE COUNTY, FOR THE PRISONERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 19-25-73, Mississippi Code of 1972, is amended as follows:

19-25-73. (1) In respect to the feeding of prisoners by the sheriff's office, the board of supervisors is authorized to choose one (1) of the following methods:

(a) It shall only contract with a local caterer or restaurant owner to bring in food for the prisoners, and the contract shall be awarded after taking bids as provided by law for other county contracts.

(b) The sheriff shall purchase, in the name of the county, all necessary food and related supplies to be used for feeding prisoners only in the county jail. All purchases of such food and supplies shall be invoiced to the county and placed on

the claims docket of the board of supervisors for disposition in the same manner as all other claims against the county. All wages and other compensation for services rendered to the sheriff in connection with the feeding of prisoners shall be submitted to and approved by the board of supervisors as other wages or compensation paid to employees of the sheriff. The total expenditure for such purpose under this method shall not exceed * * * Fifteen Dollars ($15.00) per day per prisoner, except as provided in subsection (3) of this section. All payments and reimbursements from any source for the keeping of prisoners shall be received and paid into the general fund of the county.

(c) The board of supervisors may negotiate a contract with the board of trustees of the local public community hospital to bring in food for the prisoners.

(2) The board of supervisors may authorize the sheriff to maintain a bank account entitled "jail food allowance account" into which shall be deposited all receipts for feeding and keeping prisoners in the county jail, including payments from the board of supervisors at the rate * * * not to exceed Fifteen Dollars ($15.00) per prisoner per day and all such receipts from municipalities, the United States and any other jurisdictions required to pay the cost of feeding or keeping prisoners contained in the jail. He shall maintain a receipts journal and a disbursements journal, in a form to be prescribed by the State Department of Audit, which will provide the information necessary

to determine the actual cost of feeding the prisoners, which shall not exceed * * * Fifteen Dollars ($15.00) per prisoner per day, except as provided in subsection (3) of this section. All costs and expenses for such feeding shall be paid from the jail food allowance account and supported by properly itemized invoices. Any funds accumulating in the jail food allowance account in excess of the monthly average expenditures, plus ten percent (10%) for contingencies, shall be paid into the county general fund at least once each calendar quarter.

(3) In the event that prisoners are housed in the county jail by any political subdivision of the state, the county may charge the political subdivision for housing, feeding and otherwise caring for such prisoners an amount not to exceed the payments provided under * * * state law for the keeping in the county jail of persons committed, sentenced or otherwise placed under the custody of the Department of Corrections. Nothing in this section shall be construed to affect payments by the Department of Corrections set by * * * state law for the keeping in the county jail of persons committed, sentenced or otherwise placed under the custody of the Department of Corrections.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 913

Description: Office of Medical Examiner; include within the Office of Forensics Laboratories.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Appropriations
2	01/31	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/08	(H) Transmitted To Senate
5	02/26	(S) Referred To Appropriations
6	03/05	(S) Title Suff Do Pass
7	03/06	(S) Passed {Vote}
8	03/07	(S) Returned For Enrolling
9	03/08	(H) Enrolled Bill Signed
10	03/11	(S) Enrolled Bill Signed
11	03/15	Approved by Governor

Code Section: A 045-0001-0002, A 041-0061-0055, BF 045-0001-0029

----- Additional Information -----

House Committee: Appropriations
Senate Committee: Appropriations

Principal Author: Read
Additional Authors: Sykes

Title: AN ACT TO AMEND SECTION 45-1-2, MISSISSIPPI CODE OF 1972, TO REVISE THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE THAT THE OFFICE OF FORENSICS LABORATORIES SHALL INCLUDE THE OFFICE OF THE MEDICAL EXAMINER; TO AMEND SECTION 41-61-55, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO BRING FORWARD SECTION 45-1-29, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Read, Sykes To: Appropriations

HOUSE BILL NO. 913

AN ACT TO AMEND SECTION 45-1-2, MISSISSIPPI CODE OF 1972, TO REVISE THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE THAT THE OFFICE OF FORENSICS LABORATORIES SHALL INCLUDE THE OFFICE OF THE MEDICAL EXAMINER; TO AMEND SECTION 41-61-55, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO BRING FORWARD SECTION 45-1-29, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 45-1-2, Mississippi Code of 1972, is amended as follows:

45-1-2. (1) The Executive Director of the Department of Public Safety shall be the Commissioner of Public Safety.

(2) The Commissioner of Public Safety shall establish the organizational structure of the Department of Public Safety, which shall include the creation of any units necessary to implement the duties assigned to the department and consistent with specific requirements of law including, but not limited to:

(a) Office of Public Safety Planning;

* * *

(* * *b) Office of Mississippi Highway Safety Patrol;

(* * *c) Office of Forensics Laboratories, which includes the Office of the Medical Examiner;

(* * *d) Office of Law Enforcement Officers' Training Academy;

(* * *e) Office of Support Services;

(* * *f) Office of Narcotics, which shall be known as the Bureau of Narcotics; and

(* * *g) Office of Homeland Security.

(3) The department shall be headed by a commissioner, who shall be appointed by and serve at the pleasure of the Governor. The appointment of the commissioner shall be made with the advice and consent of the Senate. The commissioner may assign to the appropriate offices such powers and duties as deemed appropriate to carry out the department's lawful functions.

(4) The commissioner of the department shall appoint heads of offices, who shall serve at the pleasure of the commissioner. The commissioner shall have the authority to organize the offices established by subsection (2) of this section as deemed appropriate to carry out the responsibilities of the department. The organization charts of the department shall be presented annually with the budget request of the Governor for review by the Legislature.

(5) The commissioner of the department shall appoint, from within the Department of Public Safety, a statewide safety training officer who shall serve at the pleasure of the

commissioner and whose duty it shall be to perform public training for both law enforcement and private persons throughout the state concerning proper emergency response to the mentally ill, terroristic threats or acts, domestic conflict, other conflict resolution, and such other matters as the commissioner may direct.

SECTION 2. Section 41-61-55, Mississippi Code of 1972, is amended as follows:

41-61-55. (1) There is hereby created the position of State Medical Examiner, to be established as herein provided under the supervision of the Commissioner of Public Safety and within the Office of Forensics Laboratory. The State Medical Examiner shall be appointed by the Commissioner of Public Safety subject to the approval of a majority of a panel composed of the following: (a) the Dean of the University of Mississippi Medical Center School of Medicine; (b) the Dean of the University of Mississippi School of Law; and (c) the State Health Officer. The State Medical Examiner may be discharged only for good cause, upon the recommendation of the Commissioner of Public Safety, and by a majority of the same panel.

(2) Each applicant for the position of State Medical Examiner shall, as a minimum, be a physician who is eligible for a license to practice medicine in Mississippi and be certified in forensic pathology by the American Board of Pathology.

(3) There is hereby created the State Medical Examiner Advisory Council composed of the State Health Officer or his or

her designee, the Dean of the University of Mississippi Medical Center School of Medicine or his or her designee, the Commissioner of Public Safety, the Attorney General or his or her designee, the President of the Mississippi * * * Coroner and Medical Examiners Association or his or her designee, the President of the Mississippi Prosecutors Association or his or her designee, the President of the Mississippi Public Defenders Association or his or her designee, the President of the Mississippi Association of Chiefs of Police or his or her designee, and the President of the Mississippi Sheriffs' Association or his or her designee. The council shall be purely advisory and serve as a liaison between the State Medical Examiner and the various entities related to the Medical Examiner Act.

SECTION 3. Section 45-1-29, Mississippi Code of 1972, is brought forward as follows:

45-1-29. (1) The Mississippi Forensics Laboratory shall be funded separately from the Department of Public Safety. Any appropriated funds shall be maintained in an account separate from any funds of the Department of Public Safety and shall never be commingled with any funds of the department. However, nothing in this section shall be construed to prohibit the utilization of the combined resources of the Mississippi Forensics Laboratory, the Division of Support Services of the Department of Public Safety or the Mississippi Justice Information Center to efficiently carry out the mission of the Department of Public Safety.

(2) Grants and donations to the Forensics Laboratory may be accepted from individuals, the federal government, firms, corporations, foundations and other interested organizations and societies.

(3) The Commissioner of Public Safety shall establish and the Division of Support Services of the Department of Public Safety shall collect for services rendered proper fees commensurate with the services rendered by the Forensics Laboratory. Those fees shall be deposited into a special fund in the State Treasury to the credit of the Forensics Laboratory and expended in accordance with applicable rules and regulations of the Department of Finance and Administration. Those fees may be used for any authorized expenditure of the Forensics Laboratory except expenditures for salaries, wages and fringe benefits.

(4) Upon every individual convicted of a felony or misdemeanor, every individual who is nonadjudicated on a felony or misdemeanor case under Section 99-15-26 or 63-11-30(14), and every individual who participates in a pretrial intervention program established under Section 99-15-101 et seq., in a case where the Forensics Laboratory provided forensic science or laboratory services in connection with the case, the court shall impose and collect a separate laboratory analysis fee of Three Hundred Dollars ($300.00), in addition to any other assessments and costs imposed by statutory authority, unless the court finds that undue hardship would result by imposing the fee. All fees collected

under this section shall be deposited into the special fund of the Forensics Laboratory created in subsection (3) of this section.

SECTION 4. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 914

Description: Precinct boundaries; prohibit altering for certain time of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H)	Referred To Apportionment and Elections
2	01/31	(H)	Title Suff Do Pass
3	02/11	(H)	Passed {Vote}
4	02/12	(H)	Transmitted To Senate
5	02/26	(S)	Referred To Elections; Accountability, Efficiency, Transparency
6	03/04	(S)	DR - TSDP: EL To AC
7	03/05	(S)	Title Suff Do Pass
8	03/11	(S)	Passed {Vote}
9	03/12	(S)	Returned For Enrolling
10	03/13	(H)	Enrolled Bill Signed
11	03/14	(S)	Enrolled Bill Signed
12	03/19		Approved by Governor

Code Section: A 023-0015-0283, A 023-0015-0285, A 019-0003-0001, BF 021-0008-0007, BF 021-0009-0015, BF 023-0015-0039

----- Additional Information -----

House Committee: Apportionment and Elections
Senate Committee: Elections, Accountability, Efficiency, Transparency

Principal Author: Denny
Additional Authors: Sykes

Title: AN ACT TO AMEND SECTION 23-15-283, MISSISSIPPI CODE OF 1972, TO PROHIBIT CHANGES TO PRECINCT BOUNDARIES UNTIL THE LEGISLATURE COMPLETES ITS REDISTRICTING PLAN FOR THE HOUSE OF REPRESENTATIVES AND SENATE DISTRICTS; TO AMEND SECTIONS 23-15-281 AND 23-15-285, MISSISSIPPI CODE OF 1972, TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 19-3-1, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO BRING FORWARD SECTIONS 21-8-7, 21-9-

15 AND 23-15-39, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 914

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Representatives Denny, Sykes

To: Apportionment and Elections

HOUSE BILL NO. 914

AN ACT TO AMEND SECTION 23-15-283, MISSISSIPPI CODE OF 1972, TO PROHIBIT CHANGES TO PRECINCT BOUNDARIES UNTIL THE LEGISLATURE COMPLETES ITS REDISTRICTING PLAN FOR THE HOUSE OF REPRESENTATIVES AND SENATE DISTRICTS; TO AMEND SECTIONS 23-15-281 AND 23-15-285, MISSISSIPPI CODE OF 1972, TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 19-3-1, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO BRING FORWARD SECTIONS 21-8-7, 21-9-15 AND 23-15-39, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 23-15-283, Mississippi Code of 1972, is amended as follows:

23-15-283. (1) The board of supervisors shall have power to alter the boundaries of the supervisors districts, voting precincts, sub-precincts and the voting place therein. If the board of supervisors orders a change in the boundaries, they shall notify the election commissioners, who shall at once cause the voter rolls as electronically maintained by the Statewide Elections Management System of voting precincts affected by the order to be changed to conform to the change so as to contain only the names of the qualified electors in the voting precincts as

made by the change of boundaries. Upon the order of change in the boundaries of any voting precinct or the voting place therein, the board of supervisors shall notify the Office of the Secretary of State and provide the Office of the Secretary of State a legal description and a map of any boundary change. No change shall be implemented or enforced until the requirements of this section have been met.

(2) Only officials certified by the Secretary of State shall be authorized to implement boundary line changes in the Statewide Elections Management System. The training and certification required under this subsection (2) shall be available to the circuit clerk, county election commissioners or any other individual designated by the board of supervisors to be responsible for implementing boundary line changes into the Statewide Elections Management System.

(3) Any governmental entity authorized to adopt, amend or change boundary lines shall immediately forward all changed boundary lines to the appropriate circuit clerk, who shall, if authorized under subsection (2), implement the boundary line changes in the Statewide Elections Management System. If the circuit clerk is not the appropriate person to implement the boundary line changes, the clerk shall immediately forward a copy of all materials to the appropriate person. Copies of any boundary line changes within the county shall be maintained in the office of the circuit clerk and made available for public

inspection. No change shall be implemented or enforced until the requirements of this section have been met.

(4) Precinct boundary changes affected by the authority of this section or of any other provision of law shall not be implemented during any decade after the last day of September of the year ending in eight (8). Precinct boundaries in force and effect at such time shall remain in effect and unalterable until the last day of December in the next year ending in zero. This prohibition shall not bar the creation or modification of sub-precinct boundaries.

SECTION 2. Section 23-15-281, Mississippi Code of 1972, is amended as follows:

23-15-281. (1) Each county shall be divided into supervisors districts, which shall be the same as those for the election of members of the board of supervisors, and may be subdivided thereafter into voting precincts; and there shall be only one (1) voting place in each voting precinct. * * * The board of supervisors shall notify the Office of the Secretary of State of the boundary of each supervisors district, sub-precinct and voting precinct as then fixed and shall provide the office a legal description and a map of each supervisors district, sub-precinct and voting precinct and shall indicate the voting place in each such district. The board of supervisors shall also ensure the legal description and map of each supervisors district is available in the circuit clerk's office for public inspection.

(2) The board of supervisors is authorized, by order spread upon the minutes of the board setting forth the cost and source of funds therefor, to purchase improved or unimproved property and to construct, reconstruct, repair, renovate and maintain polling places, or to pay to private property owners reasonable rental fees when the property is used as a polling place for a period not to exceed the day immediately preceding the election, the day of the election, and the day immediately following the election. On or before May 1, 2019, the county board of supervisors shall ensure each polling place is accessible to all voters, structurally sound, capable of providing air conditioning and heating and compliant with the Americans with Disabilities Act.

(3) All facilities owned or leased by the state, county, municipality, or school district may be made available at no cost to the board of supervisors for use as polling places to such extent as may be agreed to by the authority having control or custody of these facilities.

SECTION 3. Section 23-15-285, Mississippi Code of 1972, is amended as follows:

23-15-285. The board of supervisors shall cause an entry to be made on the minutes of the board at some meeting, as early as convenient, defining the boundaries of the several supervisors districts, sub-precincts and voting precincts in the county, and designating the voting place in each voting precinct; and as soon as practicable after any change is made in any supervisors

district, sub-precincts, voting precinct or any voting place, the board of supervisors shall cause the change to be entered on the minutes of the board in such manner as to be easily understood. * * * Precinct boundaries may be changed only during the times provided in Section 23-15-283.

No voting precinct shall have more than five hundred (500) qualified electors residing in its boundaries. Subject to the provisions of this section, each board of supervisors of the various counties of this state shall as soon as practical after January 1, 1987, alter or change the boundaries of the various voting precincts to comply herewith and shall from time to time make such changes in the boundaries of voting precincts so that there shall never be more than five hundred (500) qualified electors within the boundaries of the various voting precincts of this state; provided further, this limitation shall not apply to voting precincts that are so divided, alphabetically or otherwise, so as to have less than five hundred (500) qualified electors in any one (1) box within a voting precinct. However, the limitation of five hundred (500) qualified electors to the voting precinct shall not apply to voting precincts in which voting machines are used at all elections held in that voting precinct. No change in any supervisors district, sub-precinct or voting precinct shall take effect less than thirty (30) days before the qualifying deadline for the office of county supervisor. * * *

SECTION 4. Section 19-3-1, Mississippi Code of 1972, is amended as follows:

19-3-1. Each county shall be divided into five (5) districts, with due regard to equality of population and convenience of situation for the election of members of the boards of supervisors, but the districts as now existing shall continue until changed. The qualified electors of each district shall elect, at the next general election, and every four (4) years thereafter, in their districts one (1) member of the board of supervisors. Subject to the provisions of Sections 23-15-285 and 23-15-283, the board, by a three-fifths (3/5) vote of all members elected, may change the districts, the boundaries to be entered at large in the minutes of the proceedings of the board. * * *

If the boundaries of the districts are changed by order of the board of supervisors as provided in this section, the order shall be published in a newspaper having general circulation in the county once each week for three (3) consecutive weeks.

SECTION 5. Section 21-8-7, Mississippi Code of 1972, is brought forward as follows:

21-8-7. (1) Each municipality operating under the mayor-council form of government shall be governed by an elected council and an elected mayor. Other officers and employees shall be duly appointed pursuant to this chapter, general law or ordinance.

(2) Except as otherwise provided in subsection (4) of this section, the mayor and council members shall be elected by the voters of the municipality at a regular municipal election held on the first Tuesday after the first Monday in June as provided in Section 21-11-7, and shall serve for a term of four (4) years beginning on the first day of July next following the election that is not on a weekend.

(3) The terms of the initial mayor and council members shall commence at the expiration of the terms of office of the elected officials of the municipality serving at the time of adoption of the mayor-council form.

(4) (a) The council shall consist of five (5), seven (7) or nine (9) members. In the event there are five (5) council members, the municipality shall be divided into either five (5) or four (4) wards. In the event there are seven (7) council members, the municipality shall be divided into either seven (7), six (6) or five (5) wards. In the event there are nine (9) council members, the municipality shall be divided into seven (7) or nine (9) wards. If the municipality is divided into fewer wards than it has council members, the other council member or members shall be elected from the municipality at large. The total number of council members and the number of council members elected from wards shall be established by the petition or petitions presented pursuant to Section 21-8-3. One (1) council member shall be elected from each ward by the voters of that ward. Council

members elected to represent wards must be residents of their wards at the time of qualification for election, and any council member who removes the member's residence from the municipality or from the ward from which elected shall vacate that office. However, any candidate for council member who is properly qualified as a candidate under applicable law shall be deemed to be qualified as a candidate in whatever ward the member resides if the ward has changed after the council has redistricted the municipality as provided in paragraph (c)(ii) of this subsection (4), and if the wards have been so changed, any person may qualify as a candidate for council member, using the person's existing residence or by changing the person's residence, not less than fifteen (15) days before the first party primary or special party primary, as the case may be, notwithstanding any other residency or qualification requirements to the contrary.

(b) The council or board existing at the time of the adoption of the mayor-council form of government shall designate the geographical boundaries of the wards within one hundred twenty (120) days after the election in which the mayor-council form of government is selected. In designating the geographical boundaries of the wards, each ward shall contain, as nearly as possible, the population factor obtained by dividing the municipality's population as shown by the most recent decennial census by the number of wards into which the municipality is to be divided.

(c) (i) It shall be the mandatory duty of the council to redistrict the municipality by ordinance, which ordinance may not be vetoed by the mayor, within six (6) months after the official publication by the United States of the population of the municipality as enumerated in each decennial census, and within six (6) months after the effective date of any expansion of municipal boundaries; however, if the publication of the most recent decennial census or effective date of an expansion of the municipal boundaries occurs six (6) months or more before the first party primary of a general municipal election, then the council shall redistrict the municipality by ordinance not less than sixty (60) days before the first party primary.

(ii) If the publication of the most recent decennial census occurs less than six (6) months before the first primary of a general municipal election, the election shall be held with regard to the existing defined wards; reapportioned wards based on the census shall not serve as the basis for representation until the next regularly scheduled election in which council members shall be elected.

(d) If annexation of additional territory into the municipal corporate limits of the municipality occurs less than six (6) months before the first party primary of a general municipal election, the council shall, by ordinance adopted within three (3) days of the effective date of the annexation, assign the annexed territory to an adjacent ward or wards so as to maintain

as nearly as possible substantial equality of population between wards; any subsequent redistricting of the municipality by ordinance as required by this chapter shall not serve as the basis for representation until the next regularly scheduled election for municipal council members.

(5) Vacancies occurring in the council shall be filled as provided in Section 23-15-857.

(6) The mayor shall maintain an office at the city hall. The council members shall not maintain individual offices at the city hall; however, in a municipality having a population of one hundred thousand (100,000) and above according to the latest federal decennial census, council members may have individual offices in the city hall. Clerical work of council members in the performance of the duties of their office shall be performed by municipal employees or at municipal expense, and council members shall be reimbursed for the reasonable expenses incurred in the performance of the duties of their office.

SECTION 6. Section 21-9-15, Mississippi Code of 1972, is brought forward as follows:

21-9-15. (1) (a) The legislative power of any city in which the council-manager plan of government is in effect under this chapter shall be vested in a council consisting of a mayor and five (5) councilmen.

(b) Any city with a larger or smaller number of councilmen, prior to September 30, 1962, may retain this larger or

smaller number of councilmen or may adopt the council size of five (5) as prescribed herein. This option shall be exercised through the enactment of an appropriate ordinance by the municipal governing body prior to the election to adopt the council-manager plan of government. In the event the council fails to exercise this option, the council shall consist of five (5) councilmen.

(c) At the next regular municipal election which takes place after the adoption of the council-manager form of government, the mayor shall be elected at large by the voters of the entire city. Also, the councilmen shall be elected at large by the voters of the entire city to represent a city-wide district, or each of four (4) councilmen may be elected from a ward to represent such ward and one (1) councilman may be elected to represent a city-wide district. This option shall be exercised by an appropriate ordinance enacted by the city governing body prior to the election to adopt the council-manager plan of government. In the event the council fails to exercise this option, the councilmen shall be elected at large to represent the city-wide district. In its discretion at any time after adoption and implementation of the council-manager plan of government the council may provide for the election of councilmen by wards as provided herein, which shall become effective at the next regularly scheduled election for city councilmen.

(d) Councilmen elected to represent wards must be residents of their wards; and in cities having more or fewer than

five (5) councilmen, prior to September 30, 1962, the city governing body shall determine the number of councilmen to represent the wards and the number of councilmen to represent the city-wide district.

(e) The council of any municipality having a population exceeding forty-five thousand (45,000) inhabitants according to the 1970 decennial census which is situated in a Class 1 county bordering on the State of Alabama and which is governed by a council-manager plan of government on January 1, 1977, may, in its discretion, adopt an ordinance to require the election of four (4) of the five (5) council members from wards and not from the city at large. The four (4) council members shall be elected one (1) each from the wards in which they reside in the municipality, and shall be elected only by the registered voters residing within the ward in which the council member resides. The mayor and fifth council member may continue to be elected from the city at large. Any council member who shall remove his residence from the ward from which he was elected shall, by operation of law, vacate his seat on the council.

After publication of the population of the municipality according to the 1980 decennial census, the governing authorities of the municipality shall designate the geographical boundaries of new wards as provided in this subparagraph. Each ward shall contain as nearly as possible the population factor obtained by dividing by four (4) the city's population as shown by the 1980

and each most recent decennial census thereafter. It shall be the mandatory duty of the council to redistrict the city by ordinance, which ordinance may not be vetoed by the mayor, within six (6) months after the official publication by the United States of the population of the city as enumerated in each decennial census, and within six (6) months after the effective date of any expansion of municipal boundaries; provided, however, if the publication of the most recent decennial census or effective date of an expansion of the municipal boundaries occurs six (6) months or more prior to the first primary of a general municipal election, then the council shall redistrict the city by ordinance within at least sixty (60) days of such first primary. If the publication of the most recent decennial census occurs less than six (6) months prior to the first primary of a general municipal election, the election shall be held with regard to currently defined wards; and reapportioned wards based on the census shall not serve as the basis for representation until the next regularly scheduled election in which council members shall be elected. If annexation of additional territory into the municipal corporate limits of the city shall occur less than six (6) months prior to the first primary of a general municipal election, the city council shall, by ordinance adopted within three (3) days of the effective date of such annexation, assign such annexed territory to an adjacent ward or wards so as to maintain as nearly as possible substantial equality of population between wards. Any subsequent

redistricting of the city by ordinance as required by this section shall not serve as the basis for representation until the next regularly scheduled election for city councilmen.

(2) However, in any municipality situated in a Class 1 county bordering on the Mississippi Sound and the State of Alabama, traversed by U.S. Highway 90, the legislative power of such municipality in which the council-manager plan of government is in effect shall be vested in a council consisting of a mayor and six (6) councilmen. In the next regular municipal election in such municipality, the mayor shall be elected at large by the voters of the entire municipality. Also, the councilmen shall be elected at large by the voters of the entire municipality to represent a municipality-wide district, or each of five (5) councilmen may be elected from one (1) of five (5) wards to represent said ward and one (1) councilman shall be elected to represent a municipality-wide district. This option as to wards shall be exercised by an appropriate ordinance enacted by the municipal governing body. In the event the council fails to exercise this option, the councilmen shall be elected at large to represent the municipality-wide district. Councilmen elected to represent wards must be residents of their wards.

The method of electing the mayor and councilmen shall be the same as otherwise provided by law except as provided in this chapter. The mayor and councilmen elected hereunder shall hold office for a term of four (4) years and until their successors are

elected and qualified. No person shall be eligible to the office of mayor or councilman unless he is a qualified elector of such city.

(3) (a) In the event a city with a population of one hundred thousand (100,000) or more inhabitants according to the last decennial census adopts the council-manager form of government, the legislative power of said city shall be vested in a council consisting of a mayor and eight (8) councilmen.

(b) At the next regular municipal election which takes place after the adoption of the council-manager form of government, the mayor shall be elected at large by the voters of the entire municipality. The municipality shall be divided into five (5) wards with one (1) councilman to be elected from each ward by the voters of that ward, and three (3) councilmen to be elected from the municipality at large. Councilmen elected to represent wards must be residents of their wards at the time of qualification for election, and any councilman who removes his residence from the city or from the ward from which he was elected shall vacate his office.

(c) It shall be the duty of the municipal governing body existing at the time of the adoption of the council-manager form of government to designate the geographical boundaries of the five (5) wards within sixty (60) days after the election in which the council-manager form is selected. In designating the geographical boundaries of the five (5) wards, each ward shall

contain as nearly as possible the population factor obtained by dividing by five (5) the city's population as shown by the most recent decennial census. It shall be the mandatory duty of the council to redistrict the city by ordinance, which ordinance may not be vetoed by the mayor, within six (6) months after the official publication by the United States of the population of the city as enumerated in each decennial census, and within six (6) months after the effective date of any expansion of municipal boundaries; however, if the publication of the most recent decennial census or effective date of an expansion of the municipal boundaries occurs six (6) months or more prior to the first primary of a general municipal election, then the council shall redistrict the city by ordinance within at least sixty (60) days of such first primary. If the publication of the most recent decennial census occurs less than six (6) months prior to the first primary of a general municipal election, the election shall be held with regard to currently defined wards; and reapportioned wards based on the census shall not serve as the basis for representation until the next regularly scheduled election in which city councilmen shall be elected. If annexation of additional territory into the municipal corporate limits of the city shall occur less than six (6) months prior to the first primary of a general municipal election, the city council shall, by ordinance adopted within three (3) days of the effective date of such annexation, assign such annexed territory to an adjacent

ward or wards so as to maintain as nearly as possible substantial equality of population between wards; any subsequent redistricting of the city by ordinance as required by this section shall not serve as the basis for representation until the next regularly scheduled election for city councilmen.

(4) The method of electing the mayor and councilmen shall be the same as otherwise provided by law, except as provided in this chapter. The mayor and councilmen elected hereunder shall hold office for a term of four (4) years and until their successors are elected and qualified. No person shall be eligible to the office of mayor or councilman unless he is a qualified elector of such city.

SECTION 7. Section 23-15-39, Mississippi Code of 1972, is brought forward as follows:

23-15-39. (1) Applications for registration as electors of this state, which are sworn to and subscribed before the registrar or deputy registrar authorized by law and which are not made by mail, shall be made upon a form established by rule duly adopted by the Secretary of State.

(2) The boards of supervisors shall make proper allowances for office supplies reasonably necessitated by the registration of county electors.

(3) If the applicant indicates on the application that he or she resides within the city limits of a city or town in the county of registration, the county registrar shall process the

application for registration or changes to the registration as provided by law.

(4) If the applicant indicates on the application that he or she has previously registered to vote in another county of this state or another state, notice to the voter's previous county of registration in this state shall be provided by the Statewide Elections Management System. If the voter's previous place of registration was in another state, notice shall be provided to the voter's previous state of residence if the Statewide Elections Management System has that capability.

(5) The county registrar shall provide to the person making the application a copy of the application upon which has been written the county voting precinct and municipal voting precinct, if any, in which the person shall vote. Upon entry of the voter registration information into the Statewide Elections Management System, the system shall assign a voter registration number to the person, and the county registrar shall mail the applicant a voter registration card to the mailing address provided on the application.

(6) Any person desiring an application for registration may secure an application from the registrar of the county of which he or she is a resident and may take the application with him or her and secure assistance in completing the application from any person of the applicant's choice. It shall be the duty of all registrars to furnish applications for registration to all persons

requesting them, and it shall likewise be the registrar's duty to furnish aid and assistance in the completing of the application when requested by an applicant. The application for registration shall be sworn to and subscribed before the registrar or deputy registrar at the municipal clerk's office, the county registrar's office or any other location where the applicant is allowed to register to vote. The registrar shall not charge a fee or cost to the applicant for accepting the application or administering the oath or for any other duty imposed by law regarding the registration of electors.

(7) If the person making the application is unable to read or write, for reason of disability or otherwise, he or she shall not be required to personally complete the application in writing and execute the oath. In such cases, the registrar or deputy registrar shall read the application and oath to the person and the person's answers thereto shall be recorded by the registrar or the registrar's deputy. The person shall be registered as an elector if he or she otherwise meets the requirements to be registered as an elector. The registrar shall record the responses of the person and the recorded responses shall be retained permanently by the registrar. The county registrar shall enter the voter registration information into the Statewide Elections Management System and designate the entry as an assisted filing.

(8) The receipt of a copy of the application for registration sent pursuant to Section 23-15-35(2) shall be sufficient to allow the applicant to be registered as an elector of this state, if the application is not challenged.

(9) In any case in which the corporate boundaries of a municipality change, whether by annexation or redistricting, the municipal clerk shall, within ten (10) days after approval of the change in corporate boundaries, provide to the county registrar conforming geographic data that is compatible with the Statewide Elections Management System. The data shall be developed by the municipality's use of a standardized format specified by the Statewide Elections Management System. The county registrar, county election commissioner or other county official, who has completed an annual training seminar sponsored by the Secretary of State pertaining to the implementation of new boundary lines in the Statewide Elections Management System and received certification for that training, shall update the municipal boundary information into the Statewide Elections Management System. The Statewide Elections Management System updates the municipal voter registration records and assigns electors to their municipal voting precincts. The county registrar shall forward to the municipal clerk written notification of the additions and changes, and the municipal clerk shall forward to the affected municipal electors written notification of the additions and changes.

SECTION 8. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 925

Description: Vehicle service contracts; revise definitions for laws regulating.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Insurance
2	01/29	(H) Title Suff Do Pass
3	01/30	(H) Passed {Vote}
4	01/31	(H) Transmitted To Senate
5	02/26	(S) Referred To Insurance; Judiciary, Division A
6	03/04	(S) DR - TSDP: IN To JA
7	03/05	(S) Title Suff Do Pass
8	03/12	(S) Passed {Vote}
9	03/13	(S) Returned For Enrolling
10	03/15	(H) Enrolled Bill Signed
11	03/15	(S) Enrolled Bill Signed
12	03/21	Approved by Governor

Code Section: A 083-0065-0103

----- Additional Information -----

House Committee: Insurance
Senate Committee: Insurance, Judiciary, Division A

Principal Author: Chism

Title: AN ACT TO AMEND SECTION 83-65-103, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF VEHICLE SERVICE CONTRACT AND PROVIDE A DEFINITION OF ROAD HAZARD FOR THE LAWS THAT REGULATE VEHICLE SERVICE CONTRACTS IN THE STATE OF MISSISSIPPI; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Chism To: Insurance

HOUSE BILL NO. 925

AN ACT TO AMEND SECTION 83-65-103, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF VEHICLE SERVICE CONTRACT AND PROVIDE A DEFINITION OF ROAD HAZARD FOR THE LAWS THAT REGULATE VEHICLE SERVICE CONTRACTS IN THE STATE OF MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 83-65-103, Mississippi Code of 1972, is amended as follows:

83-65-103. For the purposes of this chapter:

(a) "Commissioner" means the Commissioner of Insurance.

(b) "Service contract holder" means a person who purchases or otherwise obtains a vehicle service contract.

(c) "Vehicle service contract" means a contract or agreement that undertakes to perform or provide repair or replacement service, or provide payment for that service, for the operational or structural failure of a motor vehicle due to a defect in materials, workmanship or normal wear and tear, with or without additional provision for incidental payment or indemnity under limited circumstances, including, but not limited to,

towing, rental and emergency road service. "Vehicle service contract" also means a contract or agreement that undertakes to perform or provide one or more of the following services:

(i) The repair or replacement of tires and/or wheels on a motor vehicle damaged as a result of coming into contact with road hazards;

(ii) The removal of dents, dings or creases on a motor vehicle that can be repaired using the process of paintless dent removal without affecting the existing paint finish and without replacing vehicle body panels, sanding, bonding or painting;

(iii) The repair of chips or cracks in or the replacement of motor vehicle windshields as a result of damage caused by road hazards;

(iv) The replacement of a motor vehicle key or key-fob in the event that the key or key-fob becomes inoperable or is lost or stolen;

(v) Other services which may be approved by the Commissioner, if not inconsistent with other provisions of this act.

(d) "Provider" means a person who issues, makes or provides a vehicle service contract.

(e) "Reimbursement insurance policy" means a policy of insurance providing reimbursement coverage for all services which

the provider is legally obligated to provide under the terms of vehicle service contracts issued or sold by the provider.

(f) "Services" means the repair, replacement or maintenance of property or indemnification for repair, replacement or maintenance for the operational or structural failure of a motor vehicle due to a defect in materials, workmanship or normal wear and tear.

(g) "Road hazard" means a hazard that is encountered while driving a motor vehicle and which may include, but not be limited to, potholes, rocks, wood debris, metal parts, glass, plastic, curbs or composite scraps.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 962

Description: Covenants requiring payments of a fee upon transfer of real property; clarify exceptions to.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Judiciary A
2	01/31	(H) Title Suff Do Pass Comm Sub
3	02/07	(H) Committee Substitute Adopted
4	02/07	(H) Passed {Vote}
5	02/08	(H) Transmitted To Senate
6	02/26	(S) Referred To Judiciary, Division A
7	03/05	(S) Title Suff Do Pass
8	03/06	(S) Passed {Vote}
9	03/07	(S) Returned For Enrolling
10	03/08	(H) Enrolled Bill Signed
11	03/11	(S) Enrolled Bill Signed
12	03/15	Approved by Governor

Code Section: A 089-0001-0069

----- Additional Information -----

House Committee: Judiciary A
Senate Committee: Judiciary, Division A

Principal Author: Lamar
Additional Authors: Bain

Title: AN ACT TO AMEND SECTION 89-1-69, MISSISSIPPI CODE OF 1972, TO CLARIFY THE EXCEPTIONS TO THE PROHIBITION AGAINST COVENANTS REQUIRING PAYMENT OF A FEE UPON THE TRANSFER OF REAL PROPERTY; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 962

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Lamar, Bain To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 962

AN ACT TO AMEND SECTION 89-1-69, MISSISSIPPI CODE OF 1972, TO CLARIFY THE EXCEPTIONS TO THE PROHIBITION AGAINST COVENANTS REQUIRING PAYMENT OF A FEE UPON THE TRANSFER OF REAL PROPERTY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 89-1-69, Mississippi Code of 1972, is amended as follows:

89-1-69. (1) In this section, "property owners' association" means an incorporated or unincorporated association that:

(a) Is designated as the representative of the owners of property in a subdivision;

(b) Has a membership primarily consisting of the owners of the property covered by the dedicatory instrument for the subdivision; and

(c) Manages or regulates the subdivision for the benefit of the owners of property in the subdivision.

(2) A deed restriction or other covenant running with the land applicable to the conveyance of real property that requires a

transferee of real property or the transferee's heirs, successors, or assigns to pay a declarant or other person imposing the deed restriction or covenant on the property or a third party designated by a transferor of the property a fee in connection with a future transfer of the property is prohibited. A deed restriction or other covenant running with the land that violates this section or a lien purporting to encumber the land to secure a right under a deed restriction or other covenant running with the land that violates this section is void and unenforceable. For purposes of this section, a conveyance of real property includes a conveyance or other transfer of an interest or estate in real property.

(3) This section does not apply to a deed restriction or other covenant running with the land that requires a fee associated with the conveyance of property in a subdivision that is payable to:

(a) A property owners' association that manages or regulates the subdivision or the association's managing agent if the subdivision contains more than one (1) platted lot and the right to collect a fee in connection with a future transfer of the property is evidenced by a deed restriction or covenant running with the land filed in the public land records;

(b) An entity organized under Section 501(c)(3), Internal Revenue Code of 1986 if the entity has a right to collect a fee in connection with a future transfer of the property

evidenced by a deed restriction or covenant running with the land filed in the public land records; or

(c) A governmental entity.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 977

Description: Nonresident physicians; allow athletic team physicians to provide treatment to players at sporting events in MS.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/21	(H) Referred To Public Health and Human Services
2	01/31	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/08	(H) Transmitted To Senate
5	02/26	(S) Referred To Public Health and Welfare
6	03/05	(S) Title Suff Do Pass
7	03/12	(S) Passed {Vote}
8	03/13	(S) Returned For Enrolling
9	03/15	(H) Enrolled Bill Signed
10	03/15	(S) Enrolled Bill Signed
11	03/21	Approved by Governor

Amendments:

[S] Amendment No 1Lost Voice Vote

Code Section: A 073-0025-0019

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: Mims
Additional Authors: Dixon, Sykes

Title: AN ACT TO AUTHORIZE TEAM PHYSICIANS FOR OUT-OF-STATE ATHLETIC TEAMS TO PROVIDE MEDICAL TREATMENT AND EVALUATION FOR PLAYERS AND STAFF MEMBERS OF THE TEAM WHEN PARTICIPATING IN SPORTING EVENTS IN MISSISSIPPI, WITHOUT HAVING TO BE LICENSED IN MISSISSIPPI; TO PRESCRIBE THE CONDITIONS UNDER WHICH THOSE

PHYSICIANS MAY PRACTICE IN MISSISSIPPI; TO LIMIT THE EXTENT OF THE MEDICAL PRACTICE ALLOWED FOR THOSE PHYSICIANS; TO PROVIDE THAT THE PRACTICE OF MEDICINE OUTSIDE OF THE CIRCUMSTANCES AUTHORIZED IN THIS ACT CONSTITUTES THE ILLEGAL PRACTICE OF MEDICINE; TO AMEND SECTION 73-25-19, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 977

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Representatives Mims, Dixon, Sykes

To: Public Health and Human Services

HOUSE BILL NO. 977

AN ACT TO AUTHORIZE TEAM PHYSICIANS FOR OUT-OF-STATE ATHLETIC TEAMS TO PROVIDE MEDICAL TREATMENT AND EVALUATION FOR PLAYERS AND STAFF MEMBERS OF THE TEAM WHEN PARTICIPATING IN SPORTING EVENTS IN MISSISSIPPI, WITHOUT HAVING TO BE LICENSED IN MISSISSIPPI; TO PRESCRIBE THE CONDITIONS UNDER WHICH THOSE PHYSICIANS MAY PRACTICE IN MISSISSIPPI; TO LIMIT THE EXTENT OF THE MEDICAL PRACTICE ALLOWED FOR THOSE PHYSICIANS; TO PROVIDE THAT THE PRACTICE OF MEDICINE OUTSIDE OF THE CIRCUMSTANCES AUTHORIZED IN THIS ACT CONSTITUTES THE ILLEGAL PRACTICE OF MEDICINE; TO AMEND SECTION 73-25-19, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The purpose of this act is to set forth certain exemptions and stipulations as to the practice of medicine in Mississippi by physicians travelling from out of state with sports teams for sporting events conducted in the state. Further, it is the intent of this act to set forth the requirements of those physicians to practice medicine in Mississippi temporarily without obtaining Mississippi licensure.

SECTION 2. As used in this act, the following terms shall have the meanings as defined in this section:

(a) "Athletic team" or "team" means a group of people representing a specific organization or entity engaged in sporting activities, such as baseball or football, which require medical personnel to treat or evaluate injuries sustained in the activity.

(b) "Staff members" means those individuals directly affiliated with the sports organization or entity whose purpose is to support the players or members of the team during a sporting event. This term includes, but is not limited to, trainers, coaches, equipment personnel, communications staff, band members, cheerleaders and the team mascot. This term does not include parents, boosters or other individuals who are simply present or attending the sporting event.

(c) "Team physician" means a health care professional who holds an unrestricted medical license in the athletic team's state of origin, who travels with the team to away games or events for the purpose of providing medical treatment and evaluation for players and staff members of the team.

SECTION 3. (1) A physician licensed in another state, territory or jurisdiction of the United States is exempt from the licensure requirements in Mississippi under the following conditions related to athletic team-based practice:

(a) The physician is employed or formally designated as the team physician by an athletic team visiting Mississippi for a specific sporting event;

(b) The physician limits the practice of medicine in Mississippi to medical treatment of the players, coaches and staff members of the sports organization or entity that employs or has designated the physician; and

(c) The physician is licensed in the state in which the sports organization or entity is based or housed.

(2) In addition to the authority granted under subsection (1) of this section, physicians authorized to practice under this section may treat players or staff members from the home team in Mississippi if the physician has specialized training or experience beyond that of the home team physician.

(3) The extent of the medical practice allowed under this section is limited to the following aspects of the game or sporting event:

(a) Pre-game warm-up and any postgame activities;

(b) During the actual game or sporting event;

(c) Travel to and from the sporting event within Mississippi; and

(d) In-state lodging of the team and staff members.

(4) It is the responsibility of the team or sports organization or entity employing the team physician to verify that the physician is licensed and in good standing in the appropriate jurisdiction as required under this section.

SECTION 4. The practice of medicine outside of the circumstances authorized in this act constitutes the illegal

practice of medicine, in violation of Section 97-23-43, and violators shall be subject to all fines and penalties described in that section.

SECTION 5. Section 73-25-19, Mississippi Code of 1972, is amended as follows:

73-25-19. Nonresident physicians not holding a license from the state shall not be permitted to practice medicine under any circumstances after remaining in the state for five (5) days, except when called in consultation by a licensed physician residing in this state or except as authorized under Sections 1 through 4 of this act. This section shall not apply to any nonresident physician who holds a temporary license to practice medicine at a youth camp issued under the provisions of Section 75-74-8 and Section 73-25-17.

SECTION 6. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

House Bill 991

Description: Income tax; authorize counties and municipalities to collect certain debts by setoff against a debtor's income tax refund.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: January 1, 2019

History of Actions:

1	01/21	(H) Referred To Ways and Means
2	01/31	(H) Title Suff Do Pass
3	02/06	(H) Passed {Vote}
4	02/07	(H) Transmitted To Senate
5	02/20	(S) Referred To Finance
6	03/05	(S) Title Suff Do Pass
7	03/07	(S) Passed {Vote}
8	03/11	(S) Returned For Enrolling
9	03/12	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/19	Approved by Governor

Code Section: A 027-0007-0083

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Smith

Title: AN ACT TO ENACT THE "LOCAL GOVERNMENT DEBT COLLECTION SETOFF ACT"; TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO SUBMIT CERTAIN DEBTS OWED TO THEM TO THE DEPARTMENT OF REVENUE FOR COLLECTION THROUGH A SETOFF AGAINST THE DEBTORS' MISSISSIPPI INCOME TAX REFUND; TO PROVIDE THAT THE COUNTIES AND MUNICIPALITIES SHALL UTILIZE THE MISSISSIPPI ASSOCIATION OF SUPERVISORS OR THE MISSISSIPPI MUNICIPAL LEAGUE, AS APPROPRIATE, AS THEIR AGENTS IN UTILIZING THIS PROCEDURE; TO PROVIDE THE AMOUNT OF THE DEBT AND INCOME TAX REFUNDS TO WHICH THIS ACT APPLIES; TO PROVIDE FOR NOTICE TO THE DEBTOR AND AN OPPORTUNITY

FOR THE DEBTOR TO CONTEST AND APPEAL THE SETOFF; TO PROVIDE FOR THE DUTIES OF THE DEPARTMENT OF REVENUE UNDER THIS ACT; TO IMPOSE A COLLECTION ASSISTANCE FEE ON EACH DEBT COLLECTED UNDER THIS ACT; TO AUTHORIZE THE EXCHANGE OF INFORMATION BETWEEN THE DEPARTMENT OF REVENUE, LOCAL GOVERNMENTS AND THEIR MEMBER ORGANIZATIONS THAT IS NECESSARY TO ACCOMPLISH AND EFFECTUATE THE INTENT OF THIS ACT; TO PROVIDE THAT INFORMATION OBTAINED FROM THE DEPARTMENT OF REVENUE SHALL RETAIN ITS CONFIDENTIALITY AND TO PROVIDE PENALTIES FOR THE UNLAWFUL DISCLOSURE OF SUCH INFORMATION; TO AMEND SECTION 27-7-83, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 991

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Smith To: Ways and Means

HOUSE BILL NO. 991

AN ACT TO ENACT THE "LOCAL GOVERNMENT DEBT COLLECTION SETOFF ACT"; TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO SUBMIT CERTAIN DEBTS OWED TO THEM TO THE DEPARTMENT OF REVENUE FOR COLLECTION THROUGH A SETOFF AGAINST THE DEBTORS' MISSISSIPPI INCOME TAX REFUND; TO PROVIDE THAT THE COUNTIES AND MUNICIPALITIES SHALL UTILIZE THE MISSISSIPPI ASSOCIATION OF SUPERVISORS OR THE MISSISSIPPI MUNICIPAL LEAGUE, AS APPROPRIATE, AS THEIR AGENTS IN UTILIZING THIS PROCEDURE; TO PROVIDE THE AMOUNT OF THE DEBT AND INCOME TAX REFUNDS TO WHICH THIS ACT APPLIES; TO PROVIDE FOR NOTICE TO THE DEBTOR AND AN OPPORTUNITY FOR THE DEBTOR TO CONTEST AND APPEAL THE SETOFF; TO PROVIDE FOR THE DUTIES OF THE DEPARTMENT OF REVENUE UNDER THIS ACT; TO IMPOSE A COLLECTION ASSISTANCE FEE ON EACH DEBT COLLECTED UNDER THIS ACT; TO AUTHORIZE THE EXCHANGE OF INFORMATION BETWEEN THE DEPARTMENT OF REVENUE, LOCAL GOVERNMENTS AND THEIR MEMBER ORGANIZATIONS THAT IS NECESSARY TO ACCOMPLISH AND EFFECTUATE THE INTENT OF THIS ACT; TO PROVIDE THAT INFORMATION OBTAINED FROM THE DEPARTMENT OF REVENUE SHALL RETAIN ITS CONFIDENTIALITY AND TO PROVIDE PENALTIES FOR THE UNLAWFUL DISCLOSURE OF SUCH INFORMATION; TO AMEND SECTION 27-7-83, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Sections 1 through 12 of this act shall be known as the "Local Government Debt Collection Setoff Act."

SECTION 2. The purpose of Sections 1 through 12 of this act is to establish as public policy that all claimant local governments and the Department of Revenue shall cooperate in

identifying debtors who owe money to local governments and who qualify for refunds from the Department of Revenue. It is also the intent of Sections 1 through 12 of this act that procedures be established for setting off against any refund the sum of any debt owed to a local government. Furthermore, it is the legislative intent that Sections 1 through 12 of this act be liberally construed so as to effectuate these purposes as far as legally and practically possible.

SECTION 3. As used in Sections 1 through 12 of this act:

(a) "Claimant local government" means counties and municipalities acting through their nonprofit member organizations with respect to the collection of any debt owed and finalized by law, ordinance, order or resolution.

(b) "Debtor" means any person owing a debt to any claimant local government.

(c) "Debt" means any liquidated sum due and owing to any claimant local government which has accrued through contract, subrogation, tort, justice or municipal court conviction or any other debt regardless of whether there is an outstanding judgment for the sum.

(d) "Department" means the Mississippi Department of Revenue.

(e) "Local government" means a county or municipality.

(f) "Member organization" means the Mississippi Association of Supervisors for counties, the Mississippi Municipal

League for municipalities, or entities established through or contracted by these member organizations for the purpose of facilitating debt collection under Sections 1 through 12 of this act.

(g) "Net proceeds collected" means gross proceeds collected through setoff against a debtor's refund less the collection assistance fees authorized in Sections 1 through 12 of this act.

(h) "Person" means any individual, firm, partnership, association, trustee, receiver, assignee, corporation, entity, limited liability company, utility or joint venture.

(i) "Refund" means the Mississippi income tax refund which the department determines to be due a debtor.

(j) "Setoff" means the department's legal right to reduce the debtor's claim to a Mississippi income tax refund from the department by a debt the claimant local government properly establishes under Sections 1 through 12 of this act which is owed by the debtor.

SECTION 4. (1) The collection remedy in Sections 1 through 12 of this act is in addition to and not in substitution for any other remedy available by law.

(2) A local government may submit a debt owed to it for collection under Sections 1 through 12 of this act. A local government that decides to submit a debt owed to it for collection under Sections 1 through 12 of this act shall establish the debt

by following the procedures set forth in Section 6 of this act and shall submit the debt through a member organization.

SECTION 5. Sections 1 through 12 of this act only apply to a debt that is at least Fifty Dollars ($50.00) and refunds to which the debtor is entitled of at least Fifty Dollars ($50.00). Different types of debts under Fifty Dollars ($50.00) may be combined to satisfy the debt threshold if they are owed by the same debtor.

SECTION 6. (1) A local government may not submit a debt for collection under Sections 1 through 12 of this act until it has given the notice required by this section and the claim has been finally determined as provided in this section.

(2) A local government, or its member organization on its behalf, shall send written notice to a debtor that the local government intends to submit the debt owed by the debtor for collection by setoff. The notice shall explain the basis for the local government's claim to the debt, that the local government intends to apply the debtor's refund against the debt, and that a total collection assistance fee of twenty-five percent (25%) shall be added to the debt if it is submitted for setoff. The notice shall also inform the debtor that the debtor has the right to contest the matter by filing a request for a hearing with the local government, shall state the time limits and procedures for requesting a hearing and shall state that the failure to request a

hearing within the required time will result in setoff of the debt.

(3) A debtor who decides to contest a proposed setoff shall file a written request for a hearing with the local government within thirty (30) days after the date the local government mails a notice of the proposed action to the debtor. A request for a hearing is considered to be filed when it is delivered for mailing with postage prepaid and properly addressed as required in the notice provided by the local government. The governing body of the local government or a person designated by the governing body shall hold the hearing. In a hearing under this section, any civil or criminal issue that has been litigated in a court proceeding cannot be reconsidered.

(4) A decision made after a hearing under Sections 1 through 12 of this act shall determine whether a debt is owed to the local government and the amount of the debt.

(5) Appeals from hearings held under Sections 1 through 12 of this act shall be made to the circuit court of the county in which the debtor resides and shall be reviewed on the administrative record made at the hearing before the local government. The standard of review of such decisions shall be that established by Mississippi law pertaining to the review of all other administrative decisions made by political subdivisions.

SECTION 7. (1) A claimant local government, or its member organization on its behalf, seeking to collect a debt through

setoff shall notify the department in writing and supply information necessary to identify the debtor whose refund is sought to be setoff. The local government, or its member organization, shall notify the department in writing within sixty (60) days of when a debt of which the department has previously been noticed has been paid or is no longer owed to it.

(2) The department, upon receipt of notification, shall determine each year whether the debtor to the claimant local government is entitled to a refund of at least Fifty Dollars ($50.00) from the department. Upon determination by the department that a debtor specified by a claimant local government qualifies for such a refund, the department shall set off the debt against the refund to which the debtor would otherwise be entitled and shall refund any remaining balance to the debtor. The department shall mail the debtor written notice that the setoff has occurred and shall credit the net proceeds collected to the claimant local government, after deducting the total collection assistance fee owed to the department and the member organization.

SECTION 8. When there are multiple claims by two (2) or more member organizations submitting debts on behalf of local governments, the claims have priority based on the date each member organization filed the claim with the department. When there are multiple claims among local governments whose debts are submitted by the same member organization, the claims have priority based on the date each local government requested the

member organization to submit the debts on its behalf. A claim submitted under Sections 27-7-501 through 27-7-519 shall have priority over a claim submitted under Sections 1 through 12 of this act.

SECTION 9. To recover the costs incurred by the department and the member organization in collecting debts under Sections 1 through 12 of this act, a total collection assistance fee of twenty-five percent (25%) shall be imposed on each debt collected through setoff. The department shall collect this fee as part of the debt and retain five percent (5%) for its administrative costs. The additional twenty percent (20%) shall be remitted to the member organization as payment for collection services rendered on behalf of its claimant local governments.

SECTION 10. (1) Along with the transmittal of the net proceeds collected on behalf of the claimant local government, the department shall provide the local government with an accounting of the setoffs for which payment is being made. The accounting shall, whenever possible, include the full names of the debtors, the debtor's social security numbers or federal tax identification numbers, the gross proceeds collected per setoff, the net proceeds collected per setoff and the collection assistance fees added to the debt collected per setoff.

(2) Upon receipt by a claimant local government of net proceeds collected on the claimant local government's behalf by

the department, the claimant local government shall credit the debtor's obligation with the net proceeds collected.

SECTION 11. (1) The department, the local government or its member organization on its behalf may exchange information necessary to accomplish and effectuate the intent of Sections 1 through 12 of this act.

(2) The information obtained by a local government or its member organization in accordance with the provisions of Sections 1 through 12 of this act shall retain its confidentiality and shall only be used by the local government or member organization in the pursuit of its debt collection duties and practices; and any employee or former employee of any local government or its member organization who unlawfully discloses any such information for any other purpose, except as otherwise specifically authorized by law, shall be subject to the same penalties specified by law for unauthorized disclosure of confidential information by an agency or employee of the department.

SECTION 12. The department shall promulgate rules and regulations pursuant to the Mississippi Administrative Procedures Act which are necessary to implement and carry out its duties and functions under Sections 1 through 12 of this act. Local governments may also promulgate rules and regulations necessary for the local administration of their authority granted under Sections 1 through 12 of this act.

SECTION 13. Section 27-7-83, Mississippi Code of 1972, is amended as follows:

27-7-83. (1) Returns and return information filed or furnished under the provisions of this chapter shall be confidential, and except in accordance with proper judicial order, as otherwise authorized by this section * * *, as authorized in Section 27-4-3 or as authorized under Section 11 of this act, it shall be unlawful for the Commissioner of Revenue or any deputy, agent, clerk or other officer or employee of the Department of Revenue or the Mississippi Department of Information Technology Services, or any former employee thereof, to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required. The provisions of this section shall apply fully to any federal return, a copy of any portion of a federal return, or any information reflected on a federal return which is attached to or made a part of the state tax return. Likewise, the provisions of this section shall apply to any federal return or portion thereof, or to any federal return information data which is acquired from the Internal Revenue Service for state tax administration purposes pursuant to the Federal-State Exchange Program cited at Section 6103, Federal Internal Revenue Code. The term "proper judicial order" as used in this section shall not include subpoenas or subpoenas duces tecum, but shall include only those orders entered by a court of record in this state after furnishing notice and a hearing to the

taxpayer and the Department of Revenue. The court shall not authorize the furnishing of such information unless it is satisfied that the information is needed to pursue pending litigation wherein the return itself is in issue, or the judge is satisfied that the need for furnishing the information outweighs the rights of the taxpayer to have such information secreted.

(2) Returns and return information with respect to taxes imposed by this chapter shall be open to inspection by or disclosure to the Commissioner of the Internal Revenue Service of the United States, or the proper officer of any state imposing an income tax similar to that imposed by this chapter, or the authorized representatives of such agencies. Such inspection shall be permitted, or such disclosure made, only upon written request by the head of such agencies, or the district director in the case of the Internal Revenue Service, and only to the representatives of such agencies designated in a written statement to the Commissioner of Revenue as the individuals who are to inspect or to receive the return or return information on behalf of such agency. The Commissioner of Revenue is authorized to enter into agreements with the Internal Revenue Service and with other states for the exchange of returns and return information data, or the disclosure of returns or return information data to such agencies, only to the extent that the statutes of the United States or of such other state, as the case may be, grant substantially similar privileges to the proper officer of this

state charged with the administration of the tax laws of this state.

(3) (a) The return of a person shall, upon written request, be open to inspection by or disclosure to:

(i) In the case of the return of an individual, that individual;

(ii) In the case of an income tax return filed jointly, either of the individuals with respect to whom the return is filed;

(iii) In the case of the return of a partnership, any person who was a member of such partnership during any part of the period covered by the return;

(iv) In the case of the return of a corporation or a subsidiary thereof, any person designated by resolution of its board of directors or other similar governing body, or any officer or employee of such corporation upon written request signed by any principal officer and attested to by the secretary or other officer;

(v) In the case of the return of an estate, the administrator, executor or trustee of such estate, and any heir at law, next of kin or beneficiary under the will, of the decedent, but only to the extent that such latter persons have a material interest which will be affected by information contained therein;

(vi) In the case of the return of a trust, the trustee or trustees, jointly or separately, and any beneficiary of

such trust, but only to the extent that such beneficiary has a material interest which will be affected by information contained therein;

(vii) In the case of the return of an individual or a return filed jointly, any claimant agency or claimant local government seeking to collect a debt through the setoff procedure established in Sections 27-7-701 through 27-7-713 * * *, Sections 27-7-501 through 27-7-519 and/or Sections 1 through 12 of this act, as the case may be, from an individual with respect to whom the return is filed.

(b) If an individual described in paragraph (a) is legally incompetent, the applicable return shall, upon written request, be open to inspection by or disclosure to the committee, trustee or guardian of his estate.

(c) If substantially all of the property of the person with respect to whom the return is filed is in the hands of a trustee in bankruptcy or receiver, such return or returns for prior years of such person shall, upon written request, be open to inspection by or disclosure to such trustee or receiver, but only if the Commissioner of Revenue finds that such receiver or trustee, in his fiduciary capacity, has a material interest which will be affected by information contained therein.

(d) Any return to which this section applies shall, upon written request, also be open to inspection by or disclosure to the attorney-in-fact duly authorized in writing by any of the

persons described in paragraph (a) of this subsection to inspect the return or receive the information on his behalf, subject to the conditions provided in paragraph (a).

(e) Return information with respect to any taxpayer may be open to inspection by or disclosure to any person authorized by this subsection to inspect any return of such taxpayer if the Commissioner of Revenue determines that such disclosure would not seriously impair state tax administration.

(4) The State Auditor and the employees of his office shall have the right to examine only such tax returns as are necessary for auditing the Department of Revenue, and the same prohibitions against disclosure which apply to the Department of Revenue shall apply to the State Auditor and his employees or former employees.

(5) Officers and employees of the Mississippi Development Authority who execute a confidentiality agreement with the Department of Revenue shall be authorized to discuss and examine information to which this section applies at the offices of the Mississippi Department of Revenue. This disclosure is limited to information necessary to properly administer the programs under the jurisdiction of the Mississippi Development Authority. The Department of Revenue is authorized to disclose to officers and employees of the Mississippi Development Authority who execute a confidentiality agreement the information necessary under the circumstances. The same prohibitions against disclosure which

apply to the Department of Revenue shall apply to the officers or employees of the Mississippi Development Authority.

(6) Information required by the University Research Center to prepare the analyses required by Sections 57-13-101 through 57-13-109 shall be furnished to the University Research Center upon request. It shall be unlawful for any officer or employee of the University Research Center to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the center from the Department of Revenue other than as may be required by Sections 57-13-101 through 57-13-109 in an analysis prepared pursuant to Sections 57-13-101 through 57-13-109.

(7) Information required by the Mississippi Development Authority to prepare the reports required by Section 57-1-12.2 shall be furnished to the Mississippi Development Authority upon request. It shall be unlawful for any officer or employee of the Mississippi Development Authority to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the Mississippi Development Authority from the Department of Revenue other than as may be required by Section 57-1-12.2 in a report prepared pursuant to Section 57-1-12.2.

(8) Information necessary to comply with Chapter 13, Title 85, may be furnished to financial institutions. It shall be unlawful for any officer or employee of the financial institution

to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the financial institution from the Department of Revenue other than as may be authorized by Chapter 13, Title 85.

(9) Nothing in this section shall be construed to prohibit the publication of statistics, so classified as to prevent the identification of particular reports or returns and the items thereof, or the inspection by the Attorney General, or any other attorney representing the state, of the report or return of any taxpayer who shall bring action to set aside the tax thereon, or against whom any action or proceeding has been instituted to recover any tax or penalty imposed.

(10) Nothing in this section shall prohibit the commissioner from making available information necessary to recover taxes owing the state pursuant to the authority granted in Section 27-75-16.

(11) Reports and returns required under the provisions of this chapter shall be preserved in accordance with approved records control schedules. No records, however, may be destroyed without the approval of the Director of the Department of Archives and History.

(12) The Department of Revenue is authorized to disclose to the Child Support Unit and to the Fraud Investigation Unit of the Department of Human Services without the need for a subpoena or proper judicial order the name, address, social security number, amount of income, source of income, assets and other relevant

information, records and tax forms for individuals who are delinquent in the payment of any child support as defined in Section 93-11-101 or who are under investigation for fraud or abuse of any state or federal program or statute as provided in Section 43-1-23.

(13) Nothing in this section shall prohibit the Department of Revenue from exchanging information with the federal government that is necessary to offset income tax refund payment on debts owed to this state or the United States.

(14) Nothing in this section shall prohibit the department from making available information that is necessary to be disclosed for the administration and enforcement of Section 27-7-87.

SECTION 14. This act shall take effect and be in force from and after January 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1048

Description: Hemodialysis technicians; provide for registration under State Board of Health.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Public Health and Human Services
2	01/31	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/08	(H) Transmitted To Senate
5	02/26	(S) Referred To Public Health and Welfare
6	03/05	(S) Title Suff Do Pass
7	03/12	(S) Passed {Vote}
8	03/13	(S) Returned For Enrolling
9	03/15	(H) Enrolled Bill Signed
10	03/15	(S) Enrolled Bill Signed
11	03/21	Approved by Governor

Code Section: RP 073-0015-0101

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: Johnson (87th)
Additional Authors: Dixon, Sykes

Title: AN ACT TO ESTABLISH A STATEWIDE PROGRAM FOR THE REGISTRATION OF HEMODIALYSIS TECHNICIANS UNDER THE STATE BOARD OF HEALTH; TO PRESCRIBE THE POWERS OF THE BOARD IN THE REGISTRATION OF HEMODIALYSIS TECHNICIANS; TO PROVIDE THAT HEMODIALYSIS TECHNICIANS MAY ADMINISTER HEMODIALYSIS UNDER THE AUTHORITY OF A LICENSED REGISTERED NURSE; TO AUTHORIZE THE BOARD TO ESTABLISH FEES NECESSARY FOR THE ADMINISTRATION OF THIS SECTION; TO REPEAL SECTION 73-15-101, MISSISSIPPI CODE OF 1972,

WHICH PROVIDES FOR CERTIFICATION OF HEMODIALYSIS TECHNICIANS BY THE MISSISSIPPI BOARD OF NURSING; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1048

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Representatives Johnson (87th), Dixon, Sykes

To: Public Health and Human Services

HOUSE BILL NO. 1048

AN ACT TO ESTABLISH A STATEWIDE PROGRAM FOR THE REGISTRATION OF HEMODIALYSIS TECHNICIANS UNDER THE STATE BOARD OF HEALTH; TO PRESCRIBE THE POWERS OF THE BOARD IN THE REGISTRATION OF HEMODIALYSIS TECHNICIANS; TO PROVIDE THAT HEMODIALYSIS TECHNICIANS MAY ADMINISTER HEMODIALYSIS UNDER THE AUTHORITY OF A LICENSED REGISTERED NURSE; TO AUTHORIZE THE BOARD TO ESTABLISH FEES NECESSARY FOR THE ADMINISTRATION OF THIS SECTION; TO REPEAL SECTION 73-15-101, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR CERTIFICATION OF HEMODIALYSIS TECHNICIANS BY THE MISSISSIPPI BOARD OF NURSING; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The State Board of Health shall establish and maintain a statewide program for the registration of hemodialysis technicians.

(2) The board is authorized and empowered to:

(a) Register hemodialysis technicians who meet the qualifications prescribed by the board;

(b) Maintain a permanent register of all registered hemodialysis technicians; and

(c) Adopt rules and regulations relating to the registration and practice of hemodialysis technicians.

(3) Any person desiring registration as a registered hemodialysis technician must submit to the State Department of Health:

(a) An application as prescribed by the board; and

(b) A registration fee to be fixed by the board, which shall be paid to the department.

(4) A hemodialysis technician may administer hemodialysis under the authority of a registered nurse licensed under the Mississippi Nursing Practice Law, who may delegate tasks based on nursing judgment to a hemodialysis technician based on the technician's education, knowledge, training and skills. A hemodialysis technician who has completed or is currently in a training program recognized by the board may perform as a hemodialysis technician under the authority of a registered nurse before obtaining national certification; however, the national certification must be obtained within eighteen (18) months of the hiring of the hemodialysis technician, and evidence of the national certification must be provided to the department.

(5) The board shall establish fees necessary for the administration of this section.

SECTION 2. Section 73-15-101, Mississippi Code of 1972, which provides for certification of hemodialysis technicians by the Mississippi Board of Nursing, is repealed.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1075

Description: Felony abuse of a vulnerable person; expand crime to include the willful infliction of severe mental anguish.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Judiciary B
2	02/01	(H) Title Suff Do Pass
3	02/12	(H) Amended
4	02/12	(H) Passed As Amended {Vote}
5	02/14	(H) Transmitted To Senate
6	02/27	(S) Referred To Judiciary, Division A
7	03/05	(S) Title Suff Do Pass As Amended
8	03/12	(S) Amended
9	03/12	(S) Passed As Amended {Vote}
10	03/13	(S) Returned For Concurrence
11	03/18	(H) Concurred in Amend From Senate {Vote}
12	03/20	(H) Enrolled Bill Signed
13	03/20	(S) Enrolled Bill Signed
14	03/21	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1075

Code Section: A 043-0047-0019

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Judiciary, Division A

Principal Author: Crawford
Additional Authors: Baria, Paden, Hines, Faulkner

2019 GENERAL LAWS OF MISSISSIPPI HB 1075

Title: AN ACT TO AMEND SECTION 43-47-19, MISSISSIPPI CODE OF 1972, TO INCLUDE THE INTENTIONAL INFLICTION OF SEVERE MENTAL ANGUISH UPON A VULNERABLE PERSON AS A FELONY; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1075

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Crawford, Baria, Paden, Hines, Faulkner

To: Judiciary B

HOUSE BILL NO. 1075
(As Sent to Governor)

AN ACT TO AMEND SECTION 43-47-19, MISSISSIPPI CODE OF 1972, TO INCLUDE THE INTENTIONAL INFLICTION OF SEVERE MENTAL ANGUISH UPON A VULNERABLE PERSON AS A FELONY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-47-19, Mississippi Code of 1972, is amended as follows:

43-47-19. (1) It shall be unlawful for any person to abuse, neglect or exploit any vulnerable person.

(2) (a) Any person who willfully commits an act or willfully omits the performance of any duty, which act or omission contributes to, tends to contribute to, or results in neglect, physical pain, injury, mental anguish, unreasonable confinement or deprivation of services which are necessary to maintain the mental or physical health of a vulnerable person, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed One Thousand Dollars ($1,000.00) or by imprisonment not to exceed one (1) year in the county jail, or by both such fine and imprisonment. Any accepted medical procedure

performed in the usual scope of practice shall not be a violation of this subsection.

(b) Any person who willfully exploits a vulnerable person, where the value of the exploitation is less than Two Hundred Fifty Dollars ($250.00), shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed Five Thousand Dollars ($5,000.00) or by imprisonment not to exceed one (1) year in the county jail, or by both such fine and imprisonment; where the value of the exploitation is Two Hundred Fifty Dollars ($250.00) or more, the person who exploits a vulnerable person shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years.

(3) Any person who willfully inflicts physical pain or injury upon a vulnerable person shall be guilty of felonious abuse or battery, or both, of a vulnerable person and, upon conviction thereof, may be punished by imprisonment in the State Penitentiary for not more than twenty (20) years.

(4) Any person who willfully inflicts severe mental anguish upon a vulnerable person shall be guilty of a felony and shall be sentenced to not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections and shall be fined not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00).

(* * *5) For any third or subsequent misdemeanor conviction of any person violating any part of this section, the offenses being committed within a period of five (5) years, such person shall be guilty of a felony and shall be sentenced to not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections and shall be fined not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00).

(* * *6) Nothing contained in this section shall prevent proceedings against a person under any statute of this state or municipal ordinance defining any act as a crime or misdemeanor.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1096

Description: Grandparent visitation; revise requirements to file petition.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Judiciary A
2	01/31	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/07	(H) Motion to Reconsider Entered (Guice, Baker, Wilson)
5	02/14	(H) Motion to Reconsider Tabled
6	02/14	(H) Transmitted To Senate
7	02/26	(S) Referred To Judiciary, Division A
8	03/05	(S) Title Suff Do Pass As Amended
9	03/12	(S) Amended
10	03/12	(S) Passed As Amended {Vote}
11	03/13	(S) Returned For Concurrence
12	03/14	(H) Concurred in Amend From Senate {Vote}
13	03/19	(H) Enrolled Bill Signed
14	03/19	(S) Enrolled Bill Signed
15	03/22	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1096

Code Section: A 093-0016-0003

----- Additional Information -----

House Committee: Judiciary A
Senate Committee: Judiciary, Division A

Principal Author: Haney
Additional Authors: Sykes, Boyd, Willis, Corley, Eubanks, Henley

2019 GENERAL LAWS OF MISSISSIPPI HB 1096

Title: AN ACT TO AMEND SECTION 93-16-3, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIREMENTS FOR GRANDPARENT VISITATION PETITIONS; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1096

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Haney, Sykes, Boyd, Willis, Corley, Eubanks, Henley

To: Judiciary A

HOUSE BILL NO. 1096
(As Sent to Governor)

AN ACT TO AMEND SECTION 93-16-3, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIREMENTS FOR GRANDPARENT VISITATION PETITIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 93-16-3, Mississippi Code of 1972, is amended as follows:

93-16-3. (1) Whenever a court of this state enters a decree or order awarding custody of a minor child to one (1) of the parents of the child or terminating the parental rights of one (1) of the parents of a minor child, or whenever one (1) of the parents of a minor child dies, either parent of the child's parents may petition the court in which the decree or order was rendered or, in the case of the death of a parent, petition the chancery court in the county in which the child resides, and seek visitation rights with the child.

(2) Any grandparent who is not authorized to petition for visitation rights pursuant to subsection (1) of this section may petition the chancery court and seek visitation rights with his or

her grandchild, and the court may grant visitation rights to the grandparent, provided the court finds:

(a) That the grandparent of the child had established a viable relationship with the child and the parent or custodian of the child unreasonably denied the grandparent visitation rights with the child; and

(b) That visitation rights of the grandparent with the child would be in the best interests of the child.

(3) For purposes of subsection (2) of this section, the term "viable relationship" means a relationship in which the grandparents or either of them have voluntarily and in good faith supported the child financially in whole or in part for a period of not less than six (6) months before filing any petition for visitation rights with the child, the grandparents have had frequent visitation including occasional overnight visitation with said child for a period of not less than one (1) year, or the child has been cared for by the grandparents or either of them over a significant period of time during the time the parent has been in jail or on military duty that necessitates the absence of the parent from the home.

(4) Any petition for visitation rights under subsection (2) of this section shall be filed in the county where an order of custody as to the child has previously been entered. If no custody order has been entered, then the grandparents' petition shall be filed in the county where the child resides or may be

found. Upon a showing of financial hardship for the parents, the court shall on motion of the parent or parents direct the grandparents to pay reasonable attorney's fees to the parent or parents * * * at any time, including before a hearing, * * * without regard to the outcome of the petition.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1101

Description: Highway 98; designate segment in Greene County as "Maj. Ed 'Too Tall' Freeman Memorial Highway.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Transportation; Appropriations
2	02/04	(H) DR - TSDP: TR To AP
3	02/05	(H) DR - TSDP: AP To TR
4	02/05	(H) Title Suff Do Pass
5	02/12	(H) Passed {Vote}
6	02/13	(H) Transmitted To Senate
7	02/25	(S) Referred To Highways and Transportation
8	03/05	(S) Title Suff Do Pass
9	03/06	(S) Passed {Vote}
10	03/07	(S) Returned For Enrolling
11	03/08	(H) Enrolled Bill Signed
12	03/11	(S) Enrolled Bill Signed
13	03/15	Approved by Governor

----- Additional Information -----

House Committee: Transportation, Appropriations
Senate Committee: Highways and Transportation

Principal Author: McNeal

Title: AN ACT TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 98 IN GREENE COUNTY, MISSISSIPPI, AS THE "MAJ. ED 'TOO TALL' FREEMAN MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative McNeal

To: Transportation; Appropriations

HOUSE BILL NO. 1101

AN ACT TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 98 IN GREENE COUNTY, MISSISSIPPI, AS THE "MAJ. ED 'TOO TALL' FREEMAN MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The segment of Mississippi Highway 98 in Greene County, Mississippi, beginning at its intersection with Mississippi Highway 198/Old Highway 98 and extending southeasterly to its intersection with Mississippi Highway 57 South, is designated as the "Maj. Ed 'Too Tall' Freeman Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1108

Description: Deputy Donald William Durr Memorial Highway; designate segment of U.S. Highway 51 in Lincoln County as.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Transportation; Appropriations
2	01/30	(H) DR - TSDPCS: TR To AP
3	01/31	(H) DR - TSDPCS: AP To TR
4	01/31	(H) Title Suff Do Pass Comm Sub
5	02/07	(H) Committee Substitute Adopted
6	02/07	(H) Passed {Vote}
7	02/08	(H) Transmitted To Senate
8	02/26	(S) Referred To Highways and Transportation
9	03/05	(S) Title Suff Do Pass
10	03/06	(S) Passed {Vote}
11	03/07	(S) Returned For Enrolling
12	03/08	(H) Enrolled Bill Signed
13	03/11	(S) Enrolled Bill Signed
14	03/15	Approved by Governor

----- Additional Information -----

House Committee: Transportation, Appropriations
Senate Committee: Highways and Transportation

Principal Author: Currie

Title: AN ACT TO DESIGNATE A SEGMENT OF UNITED STATES HIGHWAY 51 IN LINCOLN COUNTY, MISSISSIPPI, AS THE "DEPUTY DONALD WILLIAM DURR MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1108

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Currie

To: Transportation; Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1108

AN ACT TO DESIGNATE A SEGMENT OF UNITED STATES HIGHWAY 51 IN LINCOLN COUNTY, MISSISSIPPI, AS THE "DEPUTY DONALD WILLIAM DURR MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The segment of United States Highway 51 in Lincoln County, Mississippi, beginning at its intersection with Lee Drive and extending northerly to its southern most intersection with Cold Springs Lane is designated as the "Deputy Donald William Durr Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1117

Description: Child abuse; require CPS to notify applicable military installation family adovacy program in certain cases.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Judiciary B
2	02/01	(H) Title Suff Do Pass
3	02/12	(H) Passed {Vote}
4	02/13	(H) Transmitted To Senate
5	02/25	(S) Referred To Public Health and Welfare
6	03/05	(S) Title Suff Do Pass
7	03/12	(S) Passed {Vote}
8	03/13	(S) Returned For Enrolling
9	03/15	(H) Enrolled Bill Signed
10	03/15	(S) Enrolled Bill Signed
11	03/21	Approved by Governor

Code Section: A 043-0021-0353

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Public Health and Welfare

Principal Author: Huddleston
Additional Authors: Paden, Hines

Title: AN ACT TO AMEND SECTION 43-21-353, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN CASES OF REPORTS OF CHILD ABUSE OR NEGLECT TO THE DEPARTMENT OF CHILD PROTECTION SERVICES, IF THE DEPARTMENT DETERMINES THAT A PARENT OR OTHER PERSON RESPONSIBLE FOR THE CARE OR WELFARE OF AN ABUSED OR NEGLECTED CHILD MAINTAINS ACTIVE DUTY STATUS WITHIN THE MILITARY, THEN THE DEPARTMENT SHALL NOTIFY THE APPLICABLE MILITARY INSTALLATION FAMILY ADVOCACY PROGRAM THAT THERE IS AN ALLEGATION OF ABUSE OR NEGLECT THAT RELATES TO THAT CHILD; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Huddleston, Paden, Hines To: Judiciary B

HOUSE BILL NO. 1117

AN ACT TO AMEND SECTION 43-21-353, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN CASES OF REPORTS OF CHILD ABUSE OR NEGLECT TO THE DEPARTMENT OF CHILD PROTECTION SERVICES, IF THE DEPARTMENT DETERMINES THAT A PARENT OR OTHER PERSON RESPONSIBLE FOR THE CARE OR WELFARE OF AN ABUSED OR NEGLECTED CHILD MAINTAINS ACTIVE DUTY STATUS WITHIN THE MILITARY, THEN THE DEPARTMENT SHALL NOTIFY THE APPLICABLE MILITARY INSTALLATION FAMILY ADVOCACY PROGRAM THAT THERE IS AN ALLEGATION OF ABUSE OR NEGLECT THAT RELATES TO THAT CHILD; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-21-353, Mississippi Code of 1972, is amended as follows:

43-21-353. (1) Any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer, public or private school employee or any other person having reasonable cause to suspect that a child is a neglected child or an abused child, shall cause an oral report to be made immediately by telephone or otherwise and followed as soon thereafter as possible by a report in writing to the Department of * * * Child Protection Services, and immediately a referral

shall be made by the Department of * * * Child Protection Services to the youth court intake unit, which unit shall promptly comply with Section 43-21-357. In the course of an investigation, at the initial time of contact with the individual(s) about whom a report has been made under this Youth Court Act or with the individual(s) responsible for the health or welfare of a child about whom a report has been made under this chapter, the Department of * * * Child Protection Services shall inform the individual of the specific complaints or allegations made against the individual. Consistent with subsection (4), the identity of the person who reported his or her suspicion shall not be disclosed. Where appropriate, the Department of * * * Child Protection Services shall additionally make a referral to the youth court prosecutor.

Upon receiving a report that a child has been sexually abused, or burned, tortured, mutilated or otherwise physically abused in such a manner as to cause serious bodily harm, or upon receiving any report of abuse that would be a felony under state or federal law, the Department of * * * Child Protection Services shall immediately notify the law enforcement agency in whose jurisdiction the abuse occurred and shall notify the appropriate prosecutor within forty-eight (48) hours, and the Department of * * * Child Protection Services shall have the duty to provide the law enforcement agency all the names and facts known at the time of the report; this duty shall be of a continuing nature. The law enforcement agency and the Department of * * * Child

Protection Services shall investigate the reported abuse immediately and shall file a preliminary report with the appropriate prosecutor's office within twenty-four (24) hours and shall make additional reports as new or additional information or evidence becomes available. The Department of * * * Child Protection Services shall advise the clerk of the youth court and the youth court prosecutor of all cases of abuse reported to the department within seventy-two (72) hours and shall update such report as information becomes available. In addition, if the Department of Child Protection Services determines that a parent or other person responsible for the care or welfare of an abused or neglected child maintains active duty status within the military, the department shall notify the applicable military installation family advocacy program that there is an allegation of abuse or neglect that relates to that child.

(2) Any report to the Department of * * * Child Protection Services shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries * * *, any other information that might be helpful in establishing the cause of the injury, and the identity of the perpetrator.

(3) The Department of * * * Child Protection Services shall maintain a statewide incoming wide-area telephone service or similar service for the purpose of receiving reports of suspected

cases of child abuse; provided that any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer or public or private school employee who is required to report under subsection (1) of this section shall report in the manner required in subsection (1).

(4) Reports of abuse and neglect made under this chapter and the identity of the reporter are confidential except when the court in which the investigation report is filed, in its discretion, determines the testimony of the person reporting to be material to a judicial proceeding or when the identity of the reporter is released to law enforcement agencies and the appropriate prosecutor pursuant to subsection (1). Reports made under this section to any law enforcement agency or prosecutorial officer are for the purpose of criminal investigation and prosecution only and no information from these reports may be released to the public except as provided by Section 43-21-261. Disclosure of any information by the prosecutor shall be according to the Mississippi Uniform Rules of Circuit and County Court Procedure. The identity of the reporting party shall not be disclosed to anyone other than law enforcement officers or prosecutors without an order from the appropriate youth court. Any person disclosing any reports made under this section in a manner not expressly provided for in this section or Section

43-21-261 shall be guilty of a misdemeanor and subject to the penalties prescribed by Section 43-21-267.

(5) All final dispositions of law enforcement investigations described in subsection (1) of this section shall be determined only by the appropriate prosecutor or court. All final dispositions of investigations by the Department of * * * Child Protection Services as described in subsection (1) of this section shall be determined only by the youth court. Reports made under subsection (1) of this section by the Department of * * * Child Protection Services to the law enforcement agency and to the district attorney's office shall include the following, if known to the department:

(a) The name and address of the child;

(b) The names and addresses of the parents;

(c) The name and address of the suspected perpetrator;

(d) The names and addresses of all witnesses, including the reporting party if a material witness to the abuse;

(e) A brief statement of the facts indicating that the child has been abused and any other information from the agency files or known to the family protection worker or family protection specialist making the investigation, including medical records or other records, which may assist law enforcement or the district attorney in investigating and/or prosecuting the case; and

(f) What, if any, action is being taken by the Department of * * * Child Protection Services.

(6) In any investigation of a report made under this chapter of the abuse or neglect of a child as defined in Section 43-21-105(l) or (m), the Department of * * * Child Protection Services may request the appropriate law enforcement officer with jurisdiction to accompany the department in its investigation, and in such cases the law enforcement officer shall comply with such request.

(7) Anyone who willfully violates any provision of this section shall be, upon being found guilty, punished by a fine not to exceed Five Thousand Dollars ($5,000.00), or by imprisonment in jail not to exceed one (1) year, or both.

(8) If a report is made directly to the Department of * * * Child Protection Services that a child has been abused or neglected in an out-of-home setting, a referral shall be made immediately to the law enforcement agency in whose jurisdiction the abuse occurred and the department shall notify the district attorney's office within forty-eight (48) hours of such report. The Department of * * * Child Protection Services shall investigate the out-of-home setting report of abuse or neglect to determine whether the child who is the subject of the report, or other children in the same environment, comes within the jurisdiction of the youth court and shall report to the youth court the department's findings and recommendation as to whether

the child who is the subject of the report or other children in the same environment require the protection of the youth court. The law enforcement agency shall investigate the reported abuse immediately and shall file a preliminary report with the district attorney's office within forty-eight (48) hours and shall make additional reports as new information or evidence becomes available. If the out-of-home setting is a licensed facility, an additional referral shall be made by the Department of * * * Child Protection Services to the licensing agency. The licensing agency shall investigate the report and shall provide the Department of * * * Child Protection Services, the law enforcement agency and the district attorney's office with their written findings from such investigation as well as that licensing agency's recommendations and actions taken.

(9) If a child protective investigation does not result in an out-of-home placement, a child protective investigator must provide information to the parent or guardians about community service programs that provide respite care, voluntary guardianship or other support services for families in crisis.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1126

Description: Mississippi Home Corporation; extend reverter on authority to issue a certain amount of bonds.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: June 30, 2019

History of Actions:

1	01/21	(H) Referred To Ways and Means
2	01/29	(H) Title Suff Do Pass
3	02/04	(H) Passed {Vote}
4	02/05	(H) Transmitted To Senate
5	02/20	(S) Referred To Finance
6	03/05	(S) Title Suff Do Pass As Amended
7	03/12	(S) Amended
8	03/12	(S) Passed As Amended {Vote}
9	03/13	(S) Returned For Concurrence
10	03/14	(H) Concurred in Amend From Senate {Vote}
11	03/19	(H) Enrolled Bill Signed
12	03/19	(S) Enrolled Bill Signed
13	03/22	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1126

Code Section: A 043-0033-0729

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Smith
Additional Authors: Sykes

Title: AN ACT TO AMEND SECTION 43-33-729, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2021, THE PROVISION OF LAW THAT AUTHORIZES THE MISSISSIPPI HOME CORPORATION TO ISSUE BONDS AND NOTES

ANNUALLY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $350,000,000.00; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1126

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Smith, Sykes To: Ways and Means

HOUSE BILL NO. 1126
(As Sent to Governor)

AN ACT TO AMEND SECTION 43-33-729, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2021, THE PROVISION OF LAW THAT AUTHORIZES THE MISSISSIPPI HOME CORPORATION TO ISSUE BONDS AND NOTES ANNUALLY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $350,000,000.00; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-33-729, Mississippi Code of 1972, is amended as follows:

[Through June 30, * * * 2021, this section shall read as follows:]

43-33-729. (1) The corporation may from time to time issue its negotiable bonds and notes in such principal amounts as, in the opinion of the corporation, shall be necessary to provide sufficient funds for achieving the corporate purposes thereof, including operating expenses and reserves, the payment of interest on bonds and notes of the corporation, establishment of reserves to secure such bonds and notes, and all other expenditures of the corporation incident to and necessary or convenient to carry out its corporate purposes and powers. Provided, except as otherwise

authorized herein, bonds and notes may be issued annually under this article in an aggregate principal amount not to exceed Three Hundred Fifty Million Dollars ($350,000,000.00), excluding bonds and notes issued to refund outstanding bonds and notes, bonds and notes in which the corporation acts as a conduit issuer and bonds and notes issued for purposes related to Hurricane Katrina. Such annual period shall be the same as the fiscal year of the state, commencing with the annual period of July 1, 2009, to June 30, 2010.

(2) The provisions of Sections 75-71-1 through 75-71-57, Mississippi Code of 1972 (the "Mississippi Securities Act"), shall not apply to bonds and notes issued under the authority of this article, and no application for a formal exemption from the provisions of such act shall be required with respect to such bonds and notes.

(3) Except as may otherwise be expressly provided by the corporation, all bonds and notes issued by the corporation shall be general obligations of the corporation, secured by the full faith and credit of the corporation and payable out of any monies, assets or revenues of the corporation, subject only to any agreement with the bondholders or noteholders pledging any particular monies, assets or revenues.

The corporation may issue bonds or notes to which the principal and interest are payable:

(a) Exclusively from the revenues of the corporation resulting from the use of the proceeds of such bonds or notes; or

(b) Exclusively from any particular revenues of the corporation, whether or not resulting from the use of the proceeds of such bonds or notes.

(4) Any bonds or notes issued by the corporation may be additionally secured:

(a) By private insurance, by a direct pay or standby letter of credit, or by any other credit enhancement facility procured by the corporation for the payment of any such bonds;

(b) By a pledge of any grant, subsidy or contribution from the United States or any agency or instrumentality thereof, or from the state or any agency, instrumentality or political subdivision thereof, or from any person, firm or corporation; or

(c) By the pledge of any securities, funds or reserves (or earnings thereon) available to the corporation.

(5) Bonds and notes issued by the corporation shall be authorized by a resolution or resolutions of the corporation adopted as provided for by this article; provided, that any such resolution authorizing the issuance of bonds or notes may delegate to an officer or officers of the corporation the power to issue such bonds or notes from time to time and to fix the details of any such issues of bonds or notes by an appropriate certification of such authorized officer.

(6) Except as specifically provided in this article, no notice, consent or approval by any governmental body or public officer shall be required as a prerequisite to the issuance, sale or delivery of any bonds or notes of the corporation pursuant to the provisions of this article. However, all bonds or notes issued pursuant to this article may be validated, except as otherwise provided in this section, in accordance with the provisions of Sections 31-13-1 through 31-13-11, Mississippi Code of 1972, in the same manner as provided therein for bonds issued by a municipality. Any such validation proceedings shall be held in the First Judicial District of Hinds County, Mississippi. Notice thereof shall be given by publication in any newspaper published in the City of Jackson, Mississippi, and of general circulation throughout the state.

(7) It is hereby determined that the corporation is the sole entity in the state authorized to issue bonds or notes for the purposes of financing low and moderate income rental or residential housing as set forth in this article. In addition, the corporation shall have the power to issue mortgage credit certificates, as provided by Section 25 of the Internal Revenue Code of 1954, as amended, and to comply with all of the terms and conditions set forth in Section 25, as the same may be amended from time to time.

[From and after July 1, * * * 2021, this section shall read as follows:]

43-33-729. (1) The corporation may from time to time issue its negotiable bonds and notes in such principal amounts as, in the opinion of the corporation, shall be necessary to provide sufficient funds for achieving the corporate purposes thereof, including operating expenses and reserves, the payment of interest on bonds and notes of the corporation, establishment of reserves to secure such bonds and notes, and all other expenditures of the corporation incident to and necessary or convenient to carry out its corporate purposes and powers. Provided, except as otherwise authorized herein, bonds and notes shall not be issued under this article in an aggregate principal amount exceeding the aggregate principal amount of bonds and notes outstanding on July 1, * * * 2021, excluding bonds and notes issued to refund outstanding bonds and notes, bonds and notes in which the corporation acts as a conduit issuer and bonds and notes issued for purposes related to Hurricane Katrina.

(2) The provisions of Sections 75-71-1 through 75-71-57, Mississippi Code of 1972 (the "Mississippi Securities Act"), shall not apply to bonds and notes issued under the authority of this article, and no application for a formal exemption from the provisions of such act shall be required with respect to such bonds and notes.

(3) Except as may otherwise be expressly provided by the corporation, all bonds and notes issued by the corporation shall be general obligations of the corporation, secured by the full

faith and credit of the corporation and payable out of any monies, assets or revenues of the corporation, subject only to any agreement with the bondholders or noteholders pledging any particular monies, assets or revenues.

The corporation may issue bonds or notes to which the principal and interest are payable:

(a) Exclusively from the revenues of the corporation resulting from the use of the proceeds of such bonds or notes; or

(b) Exclusively from any particular revenues of the corporation, whether or not resulting from the use of the proceeds of such bonds or notes.

(4) Any bonds or notes issued by the corporation may be additionally secured:

(a) By private insurance, by a direct pay or standby letter of credit, or by any other credit enhancement facility procured by the corporation for the payment of any such bonds;

(b) By a pledge of any grant, subsidy or contribution from the United States or any agency or instrumentality thereof, or from the state or any agency, instrumentality or political subdivision thereof, or from any person, firm or corporation; or

(c) By the pledge of any securities, funds or reserves (or earnings thereon) available to the corporation.

(5) Bonds and notes issued by the corporation shall be authorized by a resolution or resolutions of the corporation adopted as provided for by this article; provided, that any such

resolution authorizing the issuance of bonds or notes may delegate to an officer or officers of the corporation the power to issue such bonds or notes from time to time and to fix the details of any such issues of bonds or notes by an appropriate certification of such authorized officer.

(6) Except as specifically provided in this article, no notice, consent or approval by any governmental body or public officer shall be required as a prerequisite to the issuance, sale or delivery of any bonds or notes of the corporation pursuant to the provisions of this article. However, all bonds or notes issued pursuant to this article may be validated, except as otherwise provided in this section, in accordance with the provisions of Sections 31-13-1 through 31-13-11, Mississippi Code of 1972, in the same manner as provided therein for bonds issued by a municipality. Any such validation proceedings shall be held in the First Judicial District of Hinds County, Mississippi. Notice thereof shall be given by publication in any newspaper published in the City of Jackson, Mississippi, and of general circulation throughout the state.

(7) It is hereby determined that the corporation is the sole entity in the state authorized to issue bonds or notes for the purposes of financing low and moderate income rental or residential housing as set forth in this article. In addition, the corporation shall have the power to issue mortgage credit certificates, as provided by Section 25 of the Internal Revenue

Code of 1954, as amended, and to comply with all of the terms and conditions set forth in Section 25, as the same may be amended from time to time.

SECTION 2. This act shall take effect and be in force from and after June 30, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1132

Description: Small Business and Grocer Investment Act; extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Ways and Means
2	01/29	(H) Title Suff Do Pass
3	02/04	(H) Passed {Vote}
4	02/05	(H) Transmitted To Senate
5	02/20	(S) Referred To Finance
6	03/05	(S) Title Suff Do Pass
7	03/07	(S) Passed {Vote}
8	03/11	(S) Returned For Enrolling
9	03/12	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/19	Approved by Governor

Code Section: R 057-0010-0701, R 057-0010-0703, R 057-0010-0705, R 057-0010-0707, R 057-0010-0709, A 057-0010-0711

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Smith

Title: AN ACT TO REENACT SECTIONS 57-10-701 THROUGH 57-10-709, MISSISSIPPI CODE OF 1972, WHICH CREATE THE SMALL BUSINESS AND GROCER INVESTMENT ACT; TO AMEND SECTION 57-10-711, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE SECTIONS OF LAW THAT CREATE THE SMALL BUSINESS AND GROCER INVESTMENT ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Smith To: Ways and Means

HOUSE BILL NO. 1132

AN ACT TO REENACT SECTIONS 57-10-701 THROUGH 57-10-709, MISSISSIPPI CODE OF 1972, WHICH CREATE THE SMALL BUSINESS AND GROCER INVESTMENT ACT; TO AMEND SECTION 57-10-711, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE SECTIONS OF LAW THAT CREATE THE SMALL BUSINESS AND GROCER INVESTMENT ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-10-701, Mississippi Code of 1972, is reenacted as follows:

57-10-701. This article shall be known as the "Small Business and Grocer Investment Act."

SECTION 2. Section 57-10-703, Mississippi Code of 1972, is reenacted as follows:

57-10-703. The Legislature finds the following:

(a) Developing quality retail food outlets creates jobs, expands markets for Mississippi farmers, and supports economic vitality in underserved communities.

(b) Increasing access to retail food outlets that sell fresh fruits, vegetables and other healthy food is an important strategy for fighting the obesity epidemic and improving health.

Studies have shown that people with better access to supermarkets and fresh produce tend to have healthier diets and lower levels of obesity.

(c) The program established under this article is intended to provide a dedicated source of financing for healthy food retailers operating in underserved communities in Mississippi, in both urban and rural areas; to increase access to affordable healthy food so as to improve diets and health; to promote the sale and consumption of fresh fruits and vegetables, in natural and/or frozen form, particularly those that are Mississippi grown; and to support expanded economic opportunities in low-income and rural communities.

SECTION 3. Section 57-10-705, Mississippi Code of 1972, is reenacted as follows:

57-10-705. As used in this article:

(a) "Agency" means the Mississippi Development Authority.

(b) "Funding" means grants, loans, or a combination of grants and loans.

(c) "Healthy food retailers" means retailers that sell quality fresh fruits and vegetables, in natural and/or frozen form, including, but not limited to, supermarkets, grocery stores, convenience stores and farmers' markets.

(d) "Program" means technical assistance and a public-private partnership established in the state by the

Mississippi Development Authority to identify and/or provide a dedicated source of funding and other financing for food retailers that increase access to fresh fruits and vegetables, in natural and/or frozen form, and other affordable healthy food for Mississippi residents overseen by the Mississippi Development Authority.

(e) "Underserved community" means a geographic area that has limited access to healthy food retailers, or an area that is otherwise determined to have serious healthy food access limitations, that is located in a county that has been designated by the Department of Revenue as a Tier Two or Tier Three area under the provisions of Section 57-73-21(1).

SECTION 4. Section 57-10-707, Mississippi Code of 1972, is reenacted as follows:

57-10-707. (1) To the extent funds are available, the Mississippi Development Authority, in cooperation with public and private sector partners, is authorized to establish a program modeled on comparable initiatives throughout the nation that provides grants and loans and/or promotes access to healthy food retailers that increase access to fresh fruits and vegetables, in natural and/or frozen form, and other affordable healthy food in underserved communities.

(2) The agency may contract with one or more qualified nonprofit organizations or community development financial institutions to administer the program described in this article

through a public-private partnership, to raise matching funds, market the program statewide, evaluate applicants, make award decisions, underwrite loans and monitor compliance and impact. The agency and its partners shall coordinate with complementary nutrition assistance and education programs.

(3) Any funding provided under the program shall be provided on a competitive, one-time basis as appropriate for the eligible project. No state funds shall be directly provided as a source of funding for any food retailer under this program, but may be used by the agency for its administrative duties in carrying out the provisions of this article.

(4) (a) The program may provide technical assistance and/or funding for projects such as:

(i) New construction of healthy food retailers.

(ii) Store renovations, expansion and infrastructure upgrades that improve the availability and quality of fresh produce.

(iii) Farmers' markets and public markets, food cooperatives, mobile markets and delivery projects and distribution projects that enable food retailers in underserved communities to regularly obtain fresh produce.

(iv) Other projects that create or improve healthy food retail outlets that meet the intent of this article as determined by the agency.

(b) Funding made available for projects included in paragraph (a) of this subsection may be used for the following purposes:

(i) Site acquisition and preparation.

(ii) Construction costs.

(iii) Equipment and furnishings.

(iv) Workforce training.

(v) Security.

(vi) Certain predevelopment costs such as market studies and appraisals.

(vii) Working capital for initial inventory and costs.

(5) An applicant for funding may include, but not be limited to, a sole proprietorship, partnership, limited liability company, corporation or cooperative.

(6) In order to be considered for funding, an applicant shall meet the following eligibility criteria:

(a) The project for which the applicant seeks funding shall benefit an underserved community.

(b) The applicant shall demonstrate a meaningful commitment to sell fresh fruits and vegetables, in natural and/or frozen form, according to a measurable standard established by the agency.

(c) The applicant shall not locate the project in an area where it would be directly competing against an existing food retailer.

(7) Applicants shall be evaluated on the following financial criteria in order to determine the funding awarded:

(a) Demonstrated capacity to successfully implement the project, including the applicant's relevant experience and the likelihood that the project will be economically self-sustaining.

(b) The ability of the applicant to repay debt.

(c) The degree to which the project requires an investment of public funding to move forward, create impact or be competitive, and the level of need in the area to be served. Additional factors that will improve or preserve retail access for low-income residents, such as proximity to public transit lines, also may be taken into account.

(d) The degree to which the project will promote sales of fresh produce, particularly Mississippi-grown fruits and vegetables.

(e) The degree to which the project will have a positive economic impact on the underserved community, including, creating or retaining jobs for local residents.

(f) Other criteria that the agency determines to be consistent with the purposes of this article.

(8) The agency shall establish program benchmarks and reporting processes to make certain that the program benefits the

communities in the program area. The agency shall likewise establish monitoring and accountability mechanisms for projects receiving grants or loans, such as tracking fruit and vegetable sales data.

(9) The agency shall prepare and submit an annual report to the Legislature on any projects funded and outcome data.

(10) The agency shall establish rules for the implementation of this article.

SECTION 5. Section 57-10-709, Mississippi Code of 1972, is reenacted as follows:

57-10-709. Funding described in this article, to the extent practicable, may be used to leverage other sources of funds, including, but not limited to, New Markets Tax Credits, federal and foundation grant programs, incentives available to designated Enterprise Zones or Renewal Communities, operator equity and funds from private sector financial institutions under the federal Community Reinvestment Act.

SECTION 6. Section 57-10-711, Mississippi Code of 1972, is amended as follows:

57-10-711. Sections 57-10-701 through 57-10-709 shall stand repealed on July 1, * * * 2022.

SECTION 7. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1147

Description: Department of Human Services; extend repealers on certain sections relating to.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Public Health and Human Services
2	01/31	(H) Title Suff Do Pass Comm Sub
3	02/07	(H) Committee Substitute Adopted
4	02/07	(H) Passed {Vote}
5	02/08	(H) Transmitted To Senate
6	02/26	(S) Referred To Public Health and Welfare; Finance
7	03/05	(S) DR - TSDP: PH To FI
8	03/05	(S) Title Suff Do Pass
9	03/12	(S) Passed {Vote}
10	03/13	(S) Returned For Enrolling
11	03/15	(H) Enrolled Bill Signed
12	03/15	(S) Enrolled Bill Signed
13	03/21	Approved by Governor

Code Section: A 043-0001-0001, A 043-0001-0002, A 043-0001-0003, A 043-0001-0005, A 043-0027-0020

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare, Finance

Principal Author: Mims
Additional Authors: Dixon

Title: AN ACT TO AMEND SECTIONS 43-1-1, 43-1-2, 43-1-3, 43-1-5, AND 43-27-20, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALERS ON CERTAIN STATUTES RELATING TO THE ADMINISTRATION OF THE

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1147

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Representatives Mims, Dixon

To: Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1147

AN ACT TO AMEND SECTIONS 43-1-1, 43-1-2, 43-1-3, 43-1-5, AND 43-27-20, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALERS ON CERTAIN STATUTES RELATING TO THE ADMINISTRATION OF THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-1-1, Mississippi Code of 1972, is amended as follows:

43-1-1. (1) The Department of Human Services shall be the State Department of Public Welfare and shall retain all powers and duties as granted to the State Department of Public Welfare. Wherever the term "State Department of Public Welfare" or "State Board of Public Welfare" appears in any law, the same shall mean the Department of Human Services. The Executive Director of Human Services may assign to the appropriate offices such powers and duties deemed appropriate to carry out the lawful functions of the department.

(2) This section shall stand repealed on July 1, * * * 2023.

SECTION 2. Section 43-1-2, Mississippi Code of 1972, is amended as follows:

43-1-2. (1) There is created the Mississippi Department of Human Services, whose offices shall be located in Jackson, Mississippi, and which shall be under the policy direction of the Governor.

(2) The chief administrative officer of the department shall be the Executive Director of Human Services. The Governor shall appoint the Executive Director of Human Services with the advice and consent of the Senate, and he shall serve at the will and pleasure of the Governor, and until his successor is appointed and qualified. The Executive Director of Human Services shall possess the following qualifications:

(a) A bachelor's degree from an accredited institution of higher learning and ten (10) years' experience in management, public administration, finance or accounting; or

(b) A master's or doctoral degree from an accredited institution of higher learning and five (5) years' experience in management, public administration, finance or accounting.

Those qualifications shall be certified by the State Personnel Board.

(3) There shall be a Joint Oversight Committee of the Department of Human Services composed of the respective Chairmen of the Senate Public Health and Welfare Committee, the Senate Appropriations Committee, the House Public Health and Human

Services Committee and the House Appropriations Committee, three (3) members of the Senate appointed by the Lieutenant Governor to serve at the will and pleasure of the Lieutenant Governor, and three (3) members of the House of Representatives appointed by the Speaker of the House to serve at the will and pleasure of the Speaker. The chairmanship of the committee shall alternate for twelve-month periods between the Senate members and the House members, on May 1 of each year, with the Chairman of the Senate Public Health and Welfare Committee serving as chairman beginning in even-numbered years, and the Chairman of the House Public Health and Human Services Committee serving as chairman beginning in odd-numbered years. The committee shall meet once each quarter, or upon the call of the chairman at such times as he deems necessary or advisable, and may make recommendations to the Legislature pertaining to any matter within the jurisdiction of the Mississippi Department of Human Services. The appointing authorities may designate an alternate member from their respective houses to serve when the regular designee is unable to attend such meetings of the oversight committee. For attending meetings of the oversight committee, such legislators shall receive per diem and expenses which shall be paid from the contingent expense funds of their respective houses in the same amounts as provided for committee meetings when the Legislature is not in session; however, no per diem and expenses for attending meetings of the committee will be paid while the Legislature is in

session. No per diem and expenses will be paid except for attending meetings of the oversight committee without prior approval of the proper committee in their respective houses.

(4) The Department of Human Services shall provide the services authorized by law to every individual determined to be eligible therefor, and in carrying out the purposes of the department, the executive director is authorized:

(a) To formulate the policy of the department regarding human services within the jurisdiction of the department;

(b) To adopt, modify, repeal and promulgate, after due notice and hearing, and where not otherwise prohibited by federal or state law, to make exceptions to and grant exemptions and variances from, and to enforce rules and regulations implementing or effectuating the powers and duties of the department under any and all statutes within the department's jurisdiction, all of which shall be binding upon the county departments of human services;

(c) To apply for, receive and expend any federal or state funds or contributions, gifts, devises, bequests or funds from any other source;

(d) Except as limited by Section 43-1-3, to enter into and execute contracts, grants and cooperative agreements with any federal or state agency or subdivision thereof, or any public or private institution located inside or outside the State of

Mississippi, or any person, corporation or association in connection with carrying out the programs of the department; and

(e) To discharge such other duties, responsibilities and powers as are necessary to implement the programs of the department.

(5) The executive director shall establish the organizational structure of the Mississippi Department of Human Services which shall include the creation of any units necessary to implement the duties assigned to the department and consistent with specific requirements of law, including, but not limited to:

(a) Office of Family Children's Services;

(b) Office of Youth Services;

(c) Office of Economic Assistance;

(d) Office of Child Support Enforcement; or

(e) Office of Field Operations to administer any state or county level programs under the purview of the Mississippi Department of Human Services, with the exception of programs which fall under paragraphs (a) and (b) above.

(6) The Executive Director of Human Services shall appoint heads of offices, bureaus and divisions, as defined in Section 7-17-11, who shall serve at the pleasure of the executive director. The salary and compensation of such office, bureau and division heads shall be subject to the rules and regulations adopted and promulgated by the State Personnel Board as created under Section 25-9-101 et seq. The executive director shall have

the authority to organize offices as deemed appropriate to carry out the responsibilities of the department. The organization charts of the department shall be presented annually with the budget request of the Governor for review by the Legislature.

(7) This section shall stand repealed on July 1, * * * 2023.

SECTION 3. Section 43-1-3, Mississippi Code of 1972, is amended as follows:

43-1-3. Notwithstanding the authority granted under subsection (4)(d) of Section 43-1-2, the Department of Human Services or the Executive Director of Human Services shall not be authorized to delegate, privatize or otherwise enter into a contract with a private entity for the operation of any office, bureau or division of the department, as defined in Section 7-17-11, without specific authority to do so by general act of the Legislature. However, nothing in this section shall be construed to invalidate * * * (a) any contract of the department that is in place and operational before January 1, 1994; or * * * (b) the continued renewal of any such contract with the same entity upon the expiration of the contract; or * * * (c) the execution of a contract with another legal entity as a replacement of any such contract that is expiring, provided that the replacement contract is substantially the same as the expiring contract. Nothing in this section shall prohibit the Department of Human Services or the Executive Director of Human Services from entering into any contract with vendors or contractors intended to improve

performance, reduce costs or increase efficiency, so long as the contract remains under the supervision or control of an office, bureau or division of the department, and provided that no county office of the department may be closed unless the Legislature specifically authorizes its closure in advance of the closure.

This section shall stand repealed on July 1, * * * 2023.

SECTION 4. Section 43-1-5, Mississippi Code of 1972, is amended as follows:

43-1-5. It shall be the duty of the Department of Human Services to:

(1) Establish and maintain programs not inconsistent with the terms of this chapter and the rules, regulations and policies of the Department of Human Services, and publish the rules and regulations of the department pertaining to such programs.

(2) Make such reports in such form and containing such information as the federal government may, from time to time, require, and comply with such provisions as the federal government may, from time to time, find necessary to assure the correctness and verification of such reports.

(3) Within ninety (90) days after the end of each fiscal year, and at each regular session of the Legislature, make and publish one (1) report to the Governor and to the Legislature, showing for the period of time covered, in each county and for the state as a whole:

(a) The total number of recipients;

(b) The total amount paid to them in cash;

(c) The maximum and the minimum amount paid to any recipients in any one (1) month;

(d) The total number of applications;

(e) The number granted;

(f) The number denied;

(g) The number cancelled;

(h) The amount expended for administration of the provisions of this chapter;

(i) The amount of money received from the federal government, if any;

(j) The amount of money received from recipients of assistance and from their estates and the disposition of same;

(k) Such other information and recommendations as the Governor may require or the department shall deem advisable;

(l) The number of state-owned automobiles purchased and operated during the year by the department, the number purchased and operated out of funds appropriated by the Legislature, the number purchased and operated out of any other public funds, the miles traveled per automobile, the total miles traveled, the average cost per mile and depreciation estimate on each automobile;

(m) The cost per mile and total number of miles traveled by department employees in privately owned automobiles, for which reimbursement is made out of state funds;

(n) Each association, convention or meeting attended by any department employees, the purposes thereof, the names of the employees attending and the total cost to the state of such convention, association or meeting;

(o) How the money appropriated to the institutions under the jurisdiction of the department has been expended during the preceding year, beginning and ending with the fiscal year of each institution, exhibiting the salaries paid to officers and employees of the institutions, and each and every item of receipt and expenditure;

(p) The activities of each office within the Department of Human Services and recommendations for improvement of the services to be performed by each division.

Each report shall be balanced and shall begin with the balance at the end of the preceding fiscal year, and if any property belonging to the state or the institution is used for profit, such report shall show the expenses incurred in managing the property and the amount received from the same. Such reports shall also show a summary of the gross receipts and gross disbursements for each fiscal year and shall show the money on hand at the beginning of the fiscal period of each division and institution of the department.

This section shall stand repealed on July 1, * * * 2023.

SECTION 5. Section 43-27-20, Mississippi Code of 1972, is amended as follows:

43-27-20. (a) Within the Department of Youth Services there shall be a Division of Community Services which shall be headed by a director appointed by and responsible to the Director of the Department of Youth Services. He shall hold a master's degree in social work or a related field and shall have no less than three (3) years' experience in social services, or in lieu of such degree and experience, he shall have a minimum of eight (8) years' experience in social work or a related field. He shall employ and assign the community workers to serve in the various areas in the state and any other supporting personnel necessary to carry out the duties of the Division of Community Services.

(b) The Director of the Division of Community Services shall assign probation and aftercare workers to the youth court or family court judges of the various court districts upon the request of the individual judge on the basis of caseload and need, when funds are available. The probation and aftercare workers shall live in their respective districts except upon approval of the Director of the Division of Community Services. The Director of the Division of Community Services is authorized to assign a youth services counselor to a district other than the district in which the youth services counselor lives upon the approval of the youth court judge of the assigned district and the Director of the Division of Youth Services. Every placement shall be with the approval of the youth court or the family court judge, and a

probation and aftercare worker may be removed for cause from a youth or family court district.

(c) Any counties or cities which, on July 1, 1973, have court counselors or similar personnel may continue using this personnel or may choose to come within the statewide framework.

(d) A probation and aftercare worker may be transferred by the division from one (1) court to another after consultation with the judge or judges in the court to which the employee is currently assigned.

(e) The Division of Community Services shall have such duties as the Department of Youth Services shall assign to it which shall include, but not be limited to, the following:

(1) Preparing the social, educational and home-life history and other diagnostic reports on the child for the benefit of the court or the training school; however, this provision shall not abridge the power of the court to require similar services from other agencies, according to law.

(2) Serving in counseling capacities with the youth or family courts.

(3) Serving as probation agents for the youth or family courts.

(4) Serving, advising and counseling of children in the various institutions under the control of the Division of Juvenile Institutions as may be necessary to the placement of the children

in proper environment after release and the placement of children in suitable jobs where necessary and proper.

(5) Supervising and guiding of children released or conditionally released from institutions under the control of the Division of Juvenile Institutions.

(6) Counseling in an aftercare program.

(7) Coordinating the activities of supporting community agencies which aid in the social adjustment of children released from the institution and in an aftercare program.

(8) Providing or arranging for necessary services leading to the rehabilitation of delinquents, either within the division or through cooperative arrangements with other appropriate agencies.

(9) Providing counseling and supervision for any child under ten (10) years of age who has been brought to the attention of the court when other suitable personnel is not available and upon request of the court concerned.

(10) Supervising the aftercare program and making revocation investigations at the request of the court.

(11) Implement a Standardized Risk Assessment Tool for use in the community.

(12) Develop a graduated sanctions policy for use within the community.

(f) This section shall stand repealed on July 1, * * * 2023.

SECTION 6. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1160

Description: Bonds; authorize issuance for construction of the Mississippi Center for Medically Fragile Children.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: Passage

History of Actions:

1	01/21	(H) Referred To Ways and Means
2	02/19	(H) Title Suff Do Pass Comm Sub
3	02/20	(H) Committee Substitute Adopted
4	02/20	(H) Amended
5	02/20	(H) Passed As Amended {Vote}
6	02/21	(H) Transmitted To Senate
7	02/26	(S) Referred To Finance
8	03/06	(S) Title Suff Do Pass As Amended
9	03/07	(S) Amendment Failed
10	03/07	(S) Passed {Vote}
11	03/11	(S) Returned For Enrolling
12	03/12	(H) Enrolled Bill Signed
13	03/12	(S) Enrolled Bill Signed
14	03/18	Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[S] Amendment No 1Lost Voice Vote

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Smith
Additional Authors: Baker, Dixon, Scott, Clark, Hines, Paden, Anthony

Title: AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING COSTS ASSOCIATED WITH CONSTRUCTION, FURNISHING AND EQUIPPING OF THE MISSISSIPPI CENTER FOR MEDICALLY FRAGILE CHILDREN AND RELATED

FACILITIES AT STATE-OWNED PROPERTY IN JACKSON, MISSISSIPPI; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Smith, Baker, Dixon, Scott, Clark, Hines, Paden, Anthony

To: Ways and Means

HOUSE BILL NO. 1160
(As Passed the House)

AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO ASSIST IN PAYING COSTS ASSOCIATED WITH CONSTRUCTION, FURNISHING AND EQUIPPING OF THE MISSISSIPPI CENTER FOR MEDICALLY FRAGILE CHILDREN AND RELATED FACILITIES AT STATE-OWNED PROPERTY IN JACKSON, MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

(2) (a) (i) A special fund, to be designated the "2019 Mississippi Center for Medically Fragile Children Construction Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to assist in paying costs associated with construction, furnishing and equipping of the Mississippi Center for Medically Fragile Children at state-owned property to the south of Eastover Drive, west of Ridgewood Road, north of Lakeland Drive and east of Interstate 55, located in the City of Jackson, Hinds County, Mississippi.

(b) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in paragraph (a) of this subsection. Promptly after the commission has certified, by resolution duly adopted, that the projects described in paragraph (a) of this subsection shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this section, in accordance with

the proceedings authorizing the issuance of such bonds and as directed by the commission.

(c) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Department of Finance and Administration, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this subsection, the department shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of

the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Twelve Million Five Hundred Thousand Dollars ($12,500,000.00). No bonds shall be issued under this section after July 1, 2023.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(6) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(7) The commission shall act as issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one (1) time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the

call price named therein and accrued interest on such date or dates named therein.

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this subsection.

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the

provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(11) The bonds authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and

shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 2. The facility shall be titled the Alyce G. Clarke Center for Medically Fragile Children.

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

House Bill 1182

Description: Corporal punishment; prohibit use of in public schools to discipline a student with a disability.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Education
2	02/04	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/08	(H) Transmitted To Senate
5	02/26	(S) Referred To Education
6	03/04	(S) Title Suff Do Pass
7	03/12	(S) Passed {Vote}
8	03/13	(S) Returned For Enrolling
9	03/15	(H) Enrolled Bill Signed
10	03/15	(S) Enrolled Bill Signed
11	03/21	Approved by Governor

Code Section: A 037-0011-0057

----- Additional Information -----

House Committee: Education
Senate Committee: Education

Principal Author: Crawford

Title: AN ACT TO AMEND SECTION 37-11-57, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE USE OF CORPORAL PUNISHMENT IN PUBLIC SCHOOLS TO DISCIPLINE A STUDENT WITH A DISABILITY WHO HAS AN IEP OR SECTION 504 PLAN; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1182

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Crawford To: Education

HOUSE BILL NO. 1182

AN ACT TO AMEND SECTION 37-11-57, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE USE OF CORPORAL PUNISHMENT IN PUBLIC SCHOOLS TO DISCIPLINE A STUDENT WITH A DISABILITY WHO HAS AN IEP OR SECTION 504 PLAN; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-11-57, Mississippi Code of 1972, is amended as follows:

37-11-57. (1) Except in the case of excessive force or cruel and unusual punishment, a public school teacher, assistant teacher, principal, or an assistant principal acting within the course and scope of his employment shall not be liable for any action carried out in conformity with state or federal law or rules or regulations of the State Board of Education or the local school board or governing board of a charter school regarding the control, discipline, suspension and expulsion of students. The local school board shall provide any necessary legal defense to a teacher, assistant teacher, principal, or assistant principal in the school district who was acting within the course and scope of his employment in any action which may be filed against such

school personnel. A school district or charter school, as the case may be, shall be entitled to reimbursement for legal fees and expenses from its employee if a court finds that the act of the employee was outside the course and scope of his employment, or that the employee was acting with criminal intent. Any action by a school district or charter school against its employee and any action by the employee against the school district or charter school for necessary legal fees and expenses shall be tried to the court in the same suit brought against the school employee.

(2) Corporal punishment administered in a reasonable manner, or any reasonable action to maintain control and discipline of students taken by a public school teacher, assistant teacher, principal or assistant principal acting within the scope of his employment or function and in accordance with any state or federal laws or rules or regulations of the State Board of Education or the local school board or governing board of a charter school does not constitute negligence or child abuse. No public school teacher, assistant teacher, principal or assistant principal so acting shall be held liable in a suit for civil damages alleged to have been suffered by a student as a result of the administration of corporal punishment, or the taking of action to maintain control and discipline of a student, unless the court determines that the teacher, assistant teacher, principal or assistant principal acted in bad faith or with malicious purpose or in a manner exhibiting a wanton and willful disregard of human rights

or safety. For the purposes of this subsection, "corporal punishment" means the reasonable use of physical force or physical contact by a teacher, assistant teacher, principal or assistant principal, as may be necessary to maintain discipline, to enforce a school rule, for self-protection or for the protection of other students from disruptive students.

(3) Notwithstanding subsection (2) of this section a public school teacher, assistant teacher, principal, assistant principal or other school personnel is prohibited from using corporal punishment, as defined in subsection (2) of this section, on any student with a disability. No school personnel shall be granted immunity from liability under subsection (2) of this section for the use of corporal punishment on a student with a disability. For purposes of this subsection, the term "student with a disability" means a student who has an individualized education plan (IEP) under the Individuals with Disabilities Education Act (IDEA) or a Section 504 plan under the Rehabilitation Act of 1973. The term "school personnel" includes all individuals employed on a full-time or part-time basis by a public school.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1204

Description: Mississippi Public Records Act; authorize public bodies to continue to contract even though right to protest still available.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H)	Referred To Accountability, Efficiency, Transparency
2	02/05	(H)	Title Suff Do Pass Comm Sub
3	02/13	(H)	Committee Substitute Adopted
4	02/13	(H)	Passed {Vote}
5	02/14	(H)	Transmitted To Senate
6	02/25	(S)	Referred To Accountability, Efficiency, Transparency
7	03/04	(S)	Title Suff Do Pass
8	03/12	(S)	Passed {Vote}
9	03/13	(S)	Returned For Enrolling
10	03/15	(H)	Enrolled Bill Signed
11	03/15	(S)	Enrolled Bill Signed
12	03/21		Approved by Governor

Code Section: A 025-0061-0005, BF 025-0061-0009

----- Additional Information -----

House Committee: Accountability, Efficiency, Transparency
Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Turner

Title: AN ACT TO AMEND SECTION 25-61-5, MISSISSIPPI CODE OF 1972, TO REVISE THE MISSISSIPPI PUBLIC RECORDS ACT TO AUTHORIZE PUBLIC BODIES TO CONTINUE TO EXECUTE A CONTRACT IF A COURT HAS NOT RULED ON A PROTECTIVE ORDER WITHIN NINETY DAYS OF FILING; TO PROVIDE THAT THE CONTRACT MAY STILL BE PROTESTED AFTER EXECUTION; TO BRING FORWARD SECTION 25-61-9, MISSISSIPPI CODE OF

1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1204

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Turner

To: Accountability, Efficiency, Transparency

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1204

AN ACT TO AMEND SECTION 25-61-5, MISSISSIPPI CODE OF 1972, TO REVISE THE MISSISSIPPI PUBLIC RECORDS ACT TO AUTHORIZE PUBLIC BODIES TO CONTINUE TO EXECUTE A CONTRACT IF A COURT HAS NOT RULED ON A PROTECTIVE ORDER WITHIN NINETY DAYS OF FILING; TO PROVIDE THAT THE CONTRACT MAY STILL BE PROTESTED AFTER EXECUTION; TO BRING FORWARD SECTION 25-61-9, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-61-5, Mississippi Code of 1972, is amended as follows:

25-61-5. (1) (a) Except as otherwise provided by Sections 25-61-9 and 25-61-11, all public records are hereby declared to be public property, and any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of a public body in accordance with reasonable written procedures adopted by the public body concerning the cost, time, place and method of access, and public notice of the procedures shall be given by the public body, or, if a public body has not adopted written procedures, the right to inspect, copy or mechanically reproduce or obtain a reproduction of a public record

of the public body shall be provided within one (1) working day after a written request for a public record is made. No public body shall adopt procedures which will authorize the public body to produce or deny production of a public record later than seven (7) working days from the date of the receipt of the request for the production of the record.

(b) If a public body is unable to produce a public record by the seventh working day after the request is made, the public body must provide a written explanation to the person making the request stating that the record requested will be produced and specifying with particularity why the records cannot be produced within the seven-day period. Unless there is mutual agreement of the parties, or the information requested is part of ongoing negotiations related to a request for competitive sealed proposals, in no event shall the date for the public body's production of the requested records be any later than fourteen (14) working days from the receipt by the public body of the original request. Production of competitive sealed proposals in accordance with requests made pursuant to this section shall be no later than seven (7) working days after the notice of intent to award is issued to the winning proposer. Persons making a request for production of competitive sealed proposals after the notice of intent to award is issued by the public body shall have a reasonable amount of time, but in no event less than seven (7) working days after the production of the competitive sealed

proposals, to protest the procurement or intended award prior to contract execution. However, in any instance where a person has filed for a protective order for a competitive sealed proposal and the court has not ruled on the protective order within ninety (90) days of filing, then the public body may proceed with awarding the contract without production of competitive sealed proposals and the contract may be protested after execution.

(2) If any public record contains material which is not exempted under this chapter, the public agency shall redact the exempted material and make the nonexempted material available for examination. Such public agency shall be entitled to charge a reasonable fee for the redaction of any exempted material, not to exceed the agency's actual cost.

(3) Denial by a public body of a request for access to or copies of public records under this chapter shall be in writing and shall contain a statement of the specific exemption relied upon by the public body for the denial. Each public body shall maintain a file of all denials of requests for public records. Public bodies shall be required to preserve such denials on file for not less than three (3) years from the date such denials are made. This file shall be made available for inspection or copying, or both, during regular office hours to any person upon written request.

(4) This section shall stand repealed on July 1, 2021.

SECTION 2. Section 25-61-9, Mississippi Code of 1972, is brought forward as follows:

25-61-9. (1) Records furnished to public bodies by third parties which contain trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction under this chapter until notice to third parties has been given, but the records shall be released no later than twenty-one (21) days from the date the third parties are given notice by the public body unless the third parties have filed in chancery court a petition seeking a protective order on or before the expiration of the twenty-one-day time period. Any party seeking the protective order shall give notice to the party requesting the information in accordance with the Mississippi Rules of Civil Procedure.

(2) If any public record which is held to be exempt from disclosure pursuant to this chapter contains material which is not exempt pursuant to this chapter, the public body shall separate the exempt material and make the nonexempt material available for examination or copying, or both, as provided for in this chapter.

(3) Trade secrets and confidential commercial and financial information of a proprietary nature developed by a college, university or public hospital under contract with a firm, business, partnership, association, corporation, individual or other like entity shall not be subject to inspection, examination, copying or reproduction under this chapter.

(4) Misappropriation of a trade secret shall be governed by the provisions of the Mississippi Uniform Trade Secrets Act, Sections 75-26-1 through 75-26-19.

(5) A waste minimization plan and any updates developed by generators and facility operators under the Mississippi Comprehensive Multimedia Waste Minimization Act of 1990 shall be retained at the facility and shall not be subject to inspection, examination, copying or reproduction under this chapter.

(6) Data processing software obtained by an agency under a licensing agreement that prohibits its disclosure and which software is a trade secret, as defined in Section 75-26-3, and data processing software produced by a public body which is sensitive must not be subject to inspection, copying or reproduction under this chapter.

As used in this subsection, "sensitive" means only those portions of data processing software, including the specifications and documentation, used to:

(a) Collect, process, store, and retrieve information which is exempt under this chapter.

(b) Control and direct access authorizations and security measures for automated systems.

(c) Collect, process, store, and retrieve information, disclosure of which would require a significant intrusion into the business of the public body.

(7) For all procurement contracts awarded by state agencies, the provisions of the contract which contain the commodities purchased or the personal or professional services provided, the unit prices contained within the procurement contracts, the overall price to be paid, and the term of the contract shall not be deemed to be a trade secret or confidential commercial or financial information under this section, and shall be available for examination, copying or reproduction as provided for in this chapter. Any party seeking a protective order for a procurement contract awarded by state agencies shall give notice to and provide the reasons for the protective order to the party requesting the information in accordance with the Mississippi Rules of Civil Procedure. The notice and reasons for the protective order must be posted on the Mississippi procurement portal for a minimum of seven (7) days before filing the petition seeking the protective order in chancery court. Any party seeking a protective order in violation of this subsection may be barred by a state agency from submitting bids, proposals or qualifications for procurement for a period not to exceed five (5) years.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1205

Description: Public agency; prohibit from requesting or releasing certain personal information from an entity organized under Section 501(c) of the Internal Revenue Code.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H)	Referred To Accountability, Efficiency, Transparency; Judiciary A
2	01/29	(H)	DR - TSDP: AC To JA
3	01/31	(H)	DR - TSDP: JA To AC
4	01/31	(H)	Title Suff Do Pass
5	02/13	(H)	Passed {Vote}
6	02/15	(H)	Transmitted To Senate
7	02/26	(S)	Referred To Accountability, Efficiency, Transparency
8	03/04	(S)	Title Suff Do Pass As Amended
9	03/13	(S)	Amended
10	03/13	(S)	Passed As Amended {Vote}
11	03/13	(S)	Motion to Reconsider Entered
12	03/14	(S)	Motion to Reconsider Tabled {Vote}
13	03/15	(S)	Returned For Concurrence
14	03/19	(H)	Concurred in Amend From Senate {Vote}
15	03/21	(H)	Enrolled Bill Signed
16	03/21	(S)	Enrolled Bill Signed
17	03/28		Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted***{Vote}
Amendment Report for House Bill No. 1205

Code Section: A 025-0061-0003

----- Additional Information -----

House Committee: Accountability, Efficiency, Transparency, Judiciary A

Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Turner
Additional Authors: Baker, Arnold, Boyd, Crawford, Scoggin, Willis, Eubanks, Hood

Title: AN ACT TO PROVIDE THAT A PUBLIC AGENCY SHALL NOT REQUIRE ANY ENTITY ORGANIZED UNDER SECTION 501(C) OF THE INTERNAL REVENUE CODE TO PROVIDE THE PUBLIC AGENCY WITH PERSONAL INFORMATION; TO PROVIDE EXCEPTIONS TO THIS PROHIBITION; TO PROVIDE INJUNCTIVE RELIEF FOR VIOLATIONS OF THIS ACT; TO AMEND SECTION 25-61-3, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Turner, Baker, Arnold, Boyd, Crawford, Scoggin, Willis, Eubanks, Hood

To: Accountability, Efficiency, Transparency; Judiciary A

HOUSE BILL NO. 1205
(As Sent to Governor)

AN ACT TO PROVIDE THAT A PUBLIC AGENCY SHALL NOT REQUIRE ANY ENTITY ORGANIZED UNDER SECTION 501(C) OF THE INTERNAL REVENUE CODE TO PROVIDE THE PUBLIC AGENCY WITH PERSONAL INFORMATION; TO PROVIDE EXCEPTIONS TO THIS PROHIBITION; TO PROVIDE INJUNCTIVE RELIEF FOR VIOLATIONS OF THIS ACT; TO AMEND SECTION 25-61-3, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. As used in this act, the following words and phrases shall have the meanings as defined in this section unless the context clearly indicates otherwise:

(a) "Personal information" means any list, record, register, registry, roll, roster or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter or volunteer of, or donor of financial or nonfinancial support to, any entity organized under Section 501(c) of the Internal Revenue Code. Personal information does not include information reportable to the Secretary of State pursuant to Section 79-11-503(1)(b).

(b) "Public agency" means any state or local governmental unit, however designated, including, but not limited to, this state; any department, agency, office, commission, board, division or other entity of this state; any political subdivision of this state, including, but not limited to, a county, city, township, village, school district, community college district or any other local governmental unit, agency, authority, council, board or commission; or any state or local court, tribunal or other judicial or quasi-judicial body.

SECTION 2. (1) Notwithstanding any law to the contrary, and subject to subsection (3), a public agency shall not do any of the following:

(a) Require any entity organized under Section 501(c) of the Internal Revenue Code to provide the public agency with personal information.

(b) If in the possession of personal information, a public agency shall not release, publicize or otherwise disclose that personal information without the express written permission of every identified member, supporter, volunteer or donor of the Section 501(c) entity as well as the Section 501(c) entity that received their membership, support, volunteer time or donations.

(c) Request or require a current or prospective contractor with the public agency to provide the public agency with a list of entities organized under Section 501(c) of the

Internal Revenue Code to which it has provided financial or nonfinancial support.

(2) Personal information shall be exempt from disclosure under the Mississippi Public Records Act.

(3) This act does not preclude either of the following:

(a) Any lawful warrant for personal information issued by a court of competent jurisdiction; or

(b) A lawful request for discovery of personal information in litigation if both of the following conditions are met:

(i) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and

(ii) The requestor obtains a protective order barring disclosure of personal information to any person not directly involved in the litigation. As used in this subparagraph, "person" means an individual, partnership, corporation, association, governmental entity or other legal entity.

SECTION 3. (1) A person alleging a violation of this act may bring a civil action for appropriate injunctive relief.

(2) A court, in rendering a judgment in an action brought under this section, shall award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.

SECTION 4. A person who knowingly violates this act is guilty of a misdemeanor punishable by imprisonment of not more than ninety (90) days or a fine of not more than One Thousand Dollars ($1,000.00) or both.

SECTION 5. The requirements of this act shall not affect any provisions of the Mississippi Campaign Finance statutes provided in Sections 23-15-801 et seq.

SECTION 6. Section 25-61-3, Mississippi Code of 1972, is amended as follows:

25-61-3. The following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Public body" shall mean any department, bureau, division, council, commission, committee, subcommittee, board, agency and any other entity of the state or a political subdivision thereof, and any municipal corporation and any other entity created by the Constitution or by law, executive order, ordinance or resolution. The term "public body" includes the governing board of a charter school authorized by the Mississippi Charter School Authorizer Board. Within the meaning of this chapter, the term "entity" shall not be construed to include individuals employed by a public body or any appointed or elected public official.

(b) "Public records" shall mean all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other documentary

materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body. "Public records" shall not mean "personal information" as defined in Section 1 of this act.

(c) "Data processing software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications and computer networking programs.

(d) "Proprietary software" means data processing software that is obtained under a licensing agreement and is protected by copyright or trade secret laws.

(e) "Incident report" means a narrative description, if such narrative description exists and if such narrative description does not contain investigative information, of an alleged offense, and at a minimum shall include the name and identification of each person charged with and arrested for the alleged offense, the time, date and location of the alleged offense, and the property involved, to the extent this information is known.

(f) "Investigative report" means records of a law enforcement agency containing information beyond the scope of the matters contained in an incident report, and generally will include, but not be limited to, the following matters if beyond the scope of the matters contained in an incident report:

(i) Records that are compiled in the process of detecting and investigating any unlawful activity or alleged unlawful activity, the disclosure of which would harm the investigation which may include crime scene reports and demonstrative evidence;

(ii) Records that would reveal the identity of informants and/or witnesses;

(iii) Records that would prematurely release information that would impede the public body's enforcement, investigative or detection efforts;

(iv) Records that would disclose investigatory techniques and/or results of investigative techniques;

(v) Records that would deprive a person of a right to a fair trial or an impartial adjudication;

(vi) Records that would endanger the life or safety of a public official or law enforcement personnel, or confidential informants or witnesses;

(vii) Records pertaining to quality control or PEER review activities; or

(viii) Records that would impede or jeopardize a prosecutor's ability to prosecute the alleged offense.

(g) "Law enforcement agency" means a public body that performs as one (1) of its principal functions activities pertaining to the enforcement of criminal laws, the apprehension and investigation of criminal offenders, or the investigation of criminal activities.

SECTION 7. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1206

Description: Vending machines and micro markets; exempt from regulation by Department of Agriculture and State Board of Health.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H)	Referred To Accountability, Efficiency, Transparency; Public Health and Human Services
2	01/29	(H)	DR - TSDP: AC To PH
3	01/31	(H)	DR - TSDP: PH To AC
4	01/31	(H)	Title Suff Do Pass
5	02/11	(H)	Amended
6	02/11	(H)	Passed As Amended {Vote}
7	02/11	(H)	Motion to Reconsider Entered (Sullivan, Turner, Foster)
8	02/13	(H)	Motion to Reconsider Tabled
9	02/14	(H)	Transmitted To Senate
10	02/26	(S)	Referred To Agriculture
11	03/05	(S)	Title Suff Do Pass
12	03/07	(S)	Passed {Vote}
13	03/11	(S)	Returned For Enrolling
14	03/12	(H)	Enrolled Bill Signed
15	03/12	(S)	Enrolled Bill Signed
16	03/19		Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote

Code Section: A 069-0001-0018, A 075-0029-0019

----- Additional Information -----

House Committee: Accountability, Efficiency, Transparency, Public Health and Human Services
Senate Committee: Agriculture

Principal Author: Turner
Additional Authors: Sykes

Title: AN ACT TO AMEND SECTION 69-1-18, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERMS "VENDING MACHINE" AND "MICRO MARKET"; TO EXEMPT VENDING MACHINES AND MICRO MARKETS WHICH SALE PREPACKAGED FOOD AND OTHER FOOD PRODUCTS FROM THE REGULATORY AUTHORITY OF THE MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE; TO AMEND SECTION 75-29-19, MISSISSIPPI CODE OF 1972, TO EXEMPT VENDING MACHINES AND MICRO MARKETS WHICH SALE PREPACKAGED FOOD AND OTHER FOOD PRODUCTS FROM THE REGULATORY AUTHORITY OF THE STATE BOARD OF HEALTH; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1206

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Representatives Turner, Sykes

To: Accountability, Efficiency, Transparency; Public Health and Human Services

HOUSE BILL NO. 1206
(As Passed the House)

AN ACT TO AMEND SECTION 69-1-18, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERMS "VENDING MACHINE" AND "MICRO MARKET"; TO EXEMPT VENDING MACHINES AND MICRO MARKETS WHICH SALE PREPACKAGED FOOD AND OTHER FOOD PRODUCTS FROM THE REGULATORY AUTHORITY OF THE MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE; TO AMEND SECTION 75-29-19, MISSISSIPPI CODE OF 1972, TO EXEMPT VENDING MACHINES AND MICRO MARKETS WHICH SALE PREPACKAGED FOOD AND OTHER FOOD PRODUCTS FROM THE REGULATORY AUTHORITY OF THE STATE BOARD OF HEALTH; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 69-1-18, Mississippi Code of 1972, is amended as follows:

69-1-18. (1) The following words and phrases shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Potentially hazardous food" means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting: the growth of infectious or toxigenic microorganisms; the growth and toxin production of Clostridium botulinum; or in raw shell eggs, the growth of salmonella enteritis. "Potentially hazardous food" includes an

animal food (of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; and cut melons.

(b) "Micro market" means an unattended, self-checkout retail establishment that utilizes an automated payment system; is located in the interior of a building that is generally not accessible by the general public, with limited access and use to a defined population; and

(i) Offers for sale only commercially, tamper-evident packaged food and beverages properly labeled for individual retail sale and acquired from a source approved by the United States Food and Drug Administration or an appropriate state government agency; whole, uncut, raw fruits and vegetables; such other food and beverages as may be authorized in the Food Code, as adopted by the Department of Agriculture and Commerce; and any other food and beverages not otherwise subject to any required on-site inspection;

(ii) Has no on-site food preparation except for the heating or reheating of food in a microwave oven;

(iii) May utilize beverage dispensers which provide individual servings; and

(iv) May utilize refrigeration and freezer units.

(c) "Vending Machine" means a self-service machine that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses servings of food

in bulk or in packages, or prepared by the machine, without the necessity of replenishing the machine between each vending operation.

(* * *d) "Retail food establishment" means any establishment where food and food products are offered for sale to the ultimate consumer and intended for off-premise consumption. Such food or food products may be exposed to varying degrees of preparation and may often need further preparation or processing after it has been purchased. A retail food establishment does not include:

(i) An establishment that offers only prepackaged foods that are not potentially hazardous;

(ii) A produce stand that only offers whole, uncut fresh fruits and vegetables;

(iii) A food processing plant; * * *

(iv) A food establishment as defined by the Mississippi State Department of Health * * *;

(v) A micro market; and

(vi) A vending machine.

(2) The commissioner and his agents shall have the authority:

(a) To promulgate rules and regulations establishing certain sanitation requirements for retail food establishments;

(b) To conduct sanitation inspections in retail food establishments; and

(c) To publish the names and addresses of violators and such information pertaining to violation(s) of this section as he deems appropriate.

(3) Each retail food establishment, before engaging in business, shall obtain a license from the commissioner. Owners of more than one (1) retail food establishment must obtain a license for each establishment. A license fee of Ten Dollars ($10.00) must be paid to the department before a license will be issued. Application for such license shall be made on forms prescribed and furnished by the commissioner. Licenses issued under this subsection by the commissioner shall expire on June 30 each year and application for renewals thereof shall be made annually before the expiration date. Licenses shall not be transferable and application must be made for a new license if there is any change in location or ownership of the business.

(4) Any person who violates any provision of this law or the regulations adopted hereunder shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the imposition of a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment in the county jail for a term not to exceed six (6) months, or both.

(5) The commissioner may impose administrative penalties for violation of this section.

(6) Any person found by the commissioner to be in violation of this section may be assessed a penalty in an amount of not more

than Five Hundred Dollars ($500.00) and subsequent violations within a six-month period at a penalty of not more than One Thousand Dollars ($1,000.00). In addition to, or in lieu of, such penalties the commissioner may suspend or revoke the permit issued to such person under terms of this section.

(7) When any violation of this section or the rules and regulations promulgated hereunder occurs, or is about to occur, that presents a clear and present danger to the public health, safety or welfare requiring immediate action, the commissioner or any of the department's field inspectors, or any other persons authorized by the commissioner, may issue an order to be effective immediately before notice and a hearing, that imposes any or all of the following penalties against the accused: (a) a stop sale order on any product in violation of this section; (b) an order to seize any product that is not in compliance with this section and require it to be denatured or destroyed under the supervision of the department's inspectors; or (c) an order that the retail food establishment or any department within such establishment cease operations until it is in compliance with this section. The order shall be served upon the accused in accordance with Rule 4 of the Mississippi Rules of Civil Procedure or certified mail or it may be served by giving a copy of the order to the manager of the retail food establishment or, where no manager is present, an employee of the establishment. The accused shall then have twenty (20) days after service of the order upon him within which to

request an informal administrative review before the Director of the Bureau of Regulatory Services in the department, or the director's designee, who shall act as reviewing officer. If the accused makes such a request within such time, the reviewing officer shall provide an informal administrative review to the accused within ten (10) days after such request is made. If the accused does not request an informal administrative review within twenty (20) days, then he shall have waived his right to such review. At the informal administrative review, there shall be no court reporter or record made of the proceedings. Each party may present its case in the form of documents, oral statements or any other method. The rules of evidence shall not apply. The reviewing officer's decisions shall be in writing, and it shall be delivered by certified mail. If the accused is aggrieved by the order of the hearing officer, he may appeal to the commissioner for a full evidentiary hearing. Such appeal shall be perfected by filing a notice of appeal with the commissioner within thirty (30) days after the order of the reviewing officer is served on the appealing party. The hearing before the commissioner or his designee shall be held within a reasonable time after the appeal has been perfected. Failure to perfect an appeal within the allotted time shall be deemed a waiver of such right.

SECTION 2. Section 75-29-19, Mississippi Code of 1972, is amended as follows:

75-29-19. The State Board of Health is hereby charged with the enforcement of this chapter. The State Board of Health shall have the authority to establish such rules and regulations not inconsistent with this chapter as will best carry its provisions into effect, unless regulation of food as defined in this chapter is otherwise authorized by law. However, the regulatory authority provided to the board under this section shall not apply to the regulation of a vending machine or micro market as defined in Section 69-1-18, or to the food and beverages sold therefrom.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1226

Description: Pharmacy Board; authorize to conduct criminal background checks on wholesale distributors.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H)	Referred To Public Health and Human Services
2	01/31	(H)	Title Suff Do Pass
3	02/07	(H)	Passed {Vote}
4	02/08	(H)	Transmitted To Senate
5	02/26	(S)	Referred To Public Health and Welfare
6	03/05	(S)	Title Suff Do Pass
7	03/12	(S)	Passed {Vote}
8	03/13	(S)	Returned For Enrolling
9	03/15	(H)	Enrolled Bill Signed
10	03/15	(S)	Enrolled Bill Signed
11	03/21		Approved by Governor

Code Section: A 073-0021-0126

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: Mettetal
Additional Authors: Dixon, Sykes

Title: AN ACT TO AMEND SECTION 73-21-126, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE BOARD OF PHARMACY TO CONDUCT CRIMINAL HISTORY RECORDS CHECKS ON ALL APPLICANTS FOR LICENSES FOR IN- AND OUT-OF-STATE WHOLESALE DISTRIBUTORS, CHAIN PHARMACY WAREHOUSES AND REPACKAGERS SHIPPING INTO MISSISSIPPI; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1226

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Mettetal, Dixon, Sykes To: Public Health and Human Services

HOUSE BILL NO. 1226

AN ACT TO AMEND SECTION 73-21-126, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE BOARD OF PHARMACY TO CONDUCT CRIMINAL HISTORY RECORDS CHECKS ON ALL APPLICANTS FOR LICENSES FOR IN- AND OUT-OF-STATE WHOLESALE DISTRIBUTORS, CHAIN PHARMACY WAREHOUSES AND REPACKAGERS SHIPPING INTO MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-21-126, Mississippi Code of 1972, is amended as follows:

73-21-126. (1) The State Board of Pharmacy shall promulgate rules regarding the issuance and renewal of licenses and permits for new or renewal application requirements for both in- and out-of-state wholesale distributors, chain pharmacy warehouses and repackagers shipping into Mississippi. Requirements for new and/or renewal applications, if information has not been previously provided to the board, will include, but not be limited to, the following:

(a) Type of ownership (individual, partnership or corporation);

(b) Names of principal owners or officers and social security numbers;

(c) Names of designated representatives and social security numbers;

(d) Criminal background checks of applicants and designated representatives as required by rule;

(e) Copy of license in home state;

(f) Bond requirements.

(2) To ensure that all applicants are of good moral character, the board shall conduct a criminal history records check on all applicants for a license. In order to determine the applicant's suitability for licensing, the applicant shall be fingerprinted. The board shall submit the fingerprints to the Department of Public Safety for a check of the state criminal records and forwarded to the Federal Bureau of Investigation for a check of the national criminal records. The Department of Public Safety shall disseminate the results of the state check and the national check to the board for a suitability determination. The board shall be authorized to collect from the applicant the amount of the fee that the Department of Public Safety charges the board for the fingerprinting, whether manual or electronic, and the state and national criminal history records checks.

(3) The board shall promulgate rules for the establishment of a pedigree or electronic file to be used by wholesale distributors, chain pharmacy warehouses and repackagers for the

purpose of ensuring the integrity of drugs owned, purchased, distributed, returned, transferred and sold when the products leave the normal distribution channel.

(* * *4) The board is authorized to use an outside agency to accredit wholesale distributors and repackagers, including the National Association of Boards of Pharmacy's (NABP) Verified Accredited Wholesale Distributors (VAWD) program.

(* * *5) Pharmacies shall not be responsible for verification or adjudication of the pedigree for pharmaceuticals.

(* * *6) The board may exempt wholesalers accredited by the VAWD program from the above requirements.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1269

Description: Commission on Marine Resources; establish licensing and fees for vessels used in off-bottom oyster aquaculture.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Marine Resources; Ways and Means
2	02/04	(H) DR - TSDP: MR To WM
3	02/05	(H) DR - TSDP: WM To MR
4	02/05	(H) Title Suff Do Pass
5	02/12	(H) Passed {Vote}
6	02/13	(H) Transmitted To Senate
7	02/25	(S) Referred To Ports and Marine Resources; Accountability, Efficiency, Transparency
8	02/27	(S) DR - TSDP: PI To AC
9	03/05	(S) Title Suff Do Pass
10	03/13	(S) Passed {Vote}
11	03/14	(S) Returned For Enrolling
12	03/18	(H) Enrolled Bill Signed
13	03/18	(S) Enrolled Bill Signed
14	03/22	Approved by Governor

Code Section: A 049-0015-0046

----- Additional Information -----

House Committee: Marine Resources, Ways and Means
Senate Committee: Ports and Marine Resources, Accountability, Efficiency, Transparency

Principal Author: Ladner
Additional Authors: Byrd

Title: AN ACT TO AMEND SECTION 49-15-46, MISSISSIPPI CODE OF 1972, TO ESTABLISH LICENSING AND FEES FOR VESSELS ENGAGED IN OFF-BOTTOM OYSTER AQUACULTURE OPERATIONS; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1269

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Ladner, Byrd

To: Marine Resources; Ways and Means

HOUSE BILL NO. 1269

AN ACT TO AMEND SECTION 49-15-46, MISSISSIPPI CODE OF 1972, TO ESTABLISH LICENSING AND FEES FOR VESSELS ENGAGED IN OFF-BOTTOM OYSTER AQUACULTURE OPERATIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 49-15-46, Mississippi Code of 1972, is amended as follows:

49-15-46. (1) Each vessel used to catch, take, carry or transport oysters from the reefs of the State of Mississippi, or engaged in transporting any oysters in any of the waters within the territorial jurisdiction of the State of Mississippi, for commercial use, shall annually, before beginning operations, be licensed by the commission and pay the following license fee:

(a) Fifty Dollars ($50.00) on each in-state vessel or boat * * * used for tonging oysters or gathering oysters by hand;

(b) One Hundred Dollars ($100.00) on each in-state vessel or boat * * * used for dredging oysters;

(c) One Hundred Dollars ($100.00) on each out-of-state vessel or boat * * * used for tonging oysters or gathering oysters by hand; * * *

(d) Two Hundred Dollars ($200.00) on each out-of-state vessel or boat * * * used for dredging oysters * * *;

(e) Fifty Dollars ($50.00) on each in-state vessel or boat used for off-bottom oyster aquaculture operations; or

(f) One Hundred Dollars ($100.00) on each out-of-state vessel or boat used for off-bottom oyster aquaculture operations.

(2) Each captain of each commercial vessel, used for either tonging * * *, dredging, or off-bottom oyster aquaculture shall purchase a license entitled "captain license - oyster" for a fee not to exceed Ten Dollars ($10.00) and may designate one (1) alternate captain for each license.

(3) The commission may authorize the transfer of a vessel license to a different vessel provided that the owner of both vessels is the same titled owner.

(4) All oysters harvested in the State of Mississippi shall be tagged. Tags shall be issued by the department and shall bear the catcher's name, the date and origin of the catch, the shell stock dealer's name and permit number. The department shall number all tags issued and shall maintain a record of those tags. The commission, in its discretion, may adopt any regulations regarding the tagging of oysters and other shellfish.

(5) Each person catching or taking oysters from the waters of the State of Mississippi for personal use shall obtain a permit from the commission and pay an annual recreational oyster permit fee of Ten Dollars ($10.00). Oysters caught under a recreational permit shall not be offered for sale. The limits on the allowable catch of oysters for recreational purposes shall be three (3) sacks per week. The department shall issue tags of a distinguishing color to designate recreationally harvested oysters, which shall be tagged on the same day of harvest in the manner prescribed in subsection (4) of this section for commercially harvested oysters or by regulation of the commission.

(6) The commission shall assess and collect a shell retention fee for the shells taken from waters within the territorial jurisdiction of the State of Mississippi as follows:

(a) Commercial and recreational harvesters - Fifteen Cents (15¢) per sack paid to the department on the day of harvest;

(b) Initial oyster processor, dealer or factory first purchasing the oysters - Fifteen Cents (15¢) per sack paid to the department no later than the tenth day of the month following the purchase, on forms submitted by the department;

(c) Commercial harvesters transporting their catch out of the state - Fifty Cents (50¢) per sack paid to the department on the day of harvest, in addition to the fees paid in subsection (6)(a); and

(d) Commercial harvesters not selling their oysters to a Mississippi dealer - Fifteen Cents (15¢) per sack paid to the department on the day of harvest, in addition to fees paid in subsection (6)(a).

Funds received from the shell retention fee shall be paid into a special fund in the State Treasury to be appropriated by the Legislature for use by the commission to further oyster production in this state, which includes plantings of oysters and/or cultch materials.

(7) During open seasons, oysters may be taken only by hands, tongs and dredges.

(8) Vessels licensed under Section 49-15-46 may keep in whole, for personal consumption up to thirty-six (36) blue crabs (portunidae family), per day. This exemption for personal consumption does not apply to fish or crabs that are otherwise illegal to possess or catch.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1288

Description: Engineers and land surveyors; provide that certificate for licensure may be for two years.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Judiciary A
2	01/31	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/08	(H) Transmitted To Senate
5	02/26	(S) Referred To Business and Financial Institutions; Accountability, Efficiency, Transparency
6	03/04	(S) DR - TSDP: BF To AC
7	03/05	(S) Title Suff Do Pass
8	03/07	(S) Passed {Vote}
9	03/11	(S) Returned For Enrolling
10	03/12	(H) Enrolled Bill Signed
11	03/12	(S) Enrolled Bill Signed
12	03/15	Approved by Governor

Code Section: A 073-0013-0031, A 073-0013-0015, A 073-0013-0043, A 073-0013-0085, A 073-0013-0105

----- Additional Information -----

House Committee: Judiciary A
Senate Committee: Business and Financial Institutions, Accountability, Efficiency, Transparency

Principal Author: Busby
Additional Authors: Boyd

Title: AN ACT TO AMEND SECTIONS 73-13-31, 73-13-15, 73-13-43, 73-13-85 AND 73-13-105, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTIFICATES OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS MAY BE FOR TWO YEARS; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1288

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Busby, Boyd To: Judiciary A

HOUSE BILL NO. 1288

AN ACT TO AMEND SECTIONS 73-13-31, 73-13-15, 73-13-43, 73-13-85 AND 73-13-105, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTIFICATES OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS MAY BE FOR TWO YEARS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-13-31, Mississippi Code of 1972, is amended as follows:

73-13-31. (1) Except as provided in Section 33-1-39 and subsection (2) of this section, certificates of licensure shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the board to notify every person licensed under this chapter of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one (1) year or two (2) years. Such notice shall * * * occur at least one (1) month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee, as determined by the board, not to exceed Fifty Dollars ($50.00) or

One Hundred Dollars ($100.00) if renewals are for two (2) years. A person who is licensed as a professional engineer and as a professional surveyor may effect both renewals by the payment of a fee not to exceed Seventy-five Dollars ($75.00), or One Hundred Fifty Dollars ($150.00) if renewals are for two (2) years. The failure on the part of any licensee to renew his certificate annually, or biennially, in the month of December as required above, shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten percent (10%) for each month, or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed five (5) times the normal renewal fee. A state agency or any of the state's political subdivisions, such as a county or municipality, may pay the renewal fee of any licensee who is a full-time employee; provided, however, that any licensee who permits his/her renewal fee to be paid from any public funds shall not perform engineering or surveying services for a fee or other emoluments for the public or for any other public entity. If a certificate has expired for six (6) months or more, the licensee shall be required to submit a new application, paying back fees and submitting proof of continuing professional competency compliance. If the certificate has expired for five (5) years or more, in addition to submitting a new application and proof of continuing professional competency compliance, reexamination in

the principles and practice may be required. The reexamination requirement may be waived by the board provided the applicant has continued to practice in another jurisdiction from the date of expiration of his certificate.

SECTION 2. Section 73-13-15, Mississippi Code of 1972, is amended as follows:

73-13-15. The board shall have the power to adopt and amend all regulations and rules of procedure, not inconsistent with the Constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall adopt and have an official seal. It shall not be required to post bond on appeals. The board shall have the further power and authority to:

(a) Establish standards of conduct and ethics;

(b) Institute proceedings in its own name;

(c) Promulgate rules restricting competitive bidding;

(d) Promulgate rules limiting or restricting advertising;

(e) Promulgate rules requiring a demonstration of continuing education;

(f) Adopt and promulgate reasonable bylaws and rules and regulations necessary or appropriate for the proper fulfillment of its duties under state laws pertaining thereto;

(g) Provide for the enforcement of and to enforce the laws of the State of Mississippi and, in particular, the provisions of this chapter, and the bylaws, rules and regulations of the board;

(h) Provide by appropriate rules and regulations, within the provisions of this chapter, a system for taking the disciplinary actions provided for in Section 73-13-37, including the imposition of fines as provided therein;

(i) Investigate, prosecute or initiate prosecution for violation of the laws of this state pertaining to the practices of engineering and surveying, or matters affecting the rights and duties or otherwise related thereto; * * *

(j) Adopt rules setting forth qualifications and standards of practice for firms * * *; and

(k) Provide by appropriate rules and regulations, within the provisions of this chapter, a system for the annual and/or biennial renewal of certificates of licensure.

In carrying into effect the provisions of Sections 73-13-1 through 73-13-105, the board, under the hand of its president or secretary and the seal of the board may subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in any case involving the disciplinary actions provided for in Section 73-13-37 or 73-13-89 or practicing or offering to practice without licensure. Any member of the board may administer oaths or affirmations to

witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers or documents, the board may present its petition to such authority as may have jurisdiction, setting forth the facts, and thereupon such authority shall, in a proper case, issue its subpoena to such person, requiring his attendance before such authority and there to testify or to produce such books, papers, and documents, as may be deemed necessary and pertinent by the board. Any person failing or refusing to obey the subpoena or order of the said authority may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the authority.

SECTION 3. Section 73-13-43, Mississippi Code of 1972, is amended as follows:

73-13-43. As of January 1, 2005, no corporation, firm or partnership may engage in the practice of professional engineering in this state unless it has been issued a certificate of authority by the board. In order to qualify for a certificate of authority, a corporation, firm or partnership must have at least one (1) Mississippi-licensed professional engineer as a principal officer, partner or designated principal engineer of the firm who has management responsibility for such practice and who makes significant technical and/or contractual judgments on behalf of the firm which would affect the firm's professional reputation and liability.

The board shall have the authority to promulgate rules and regulations setting procedures, standards and other requirements for issuing and maintaining a certificate of authority for corporations, firms or partnerships practicing engineering in the State of Mississippi.

Applications for a certificate of authority shall be on the forms prescribed and furnished by the board, and provide all the information required by said board. The board shall establish a fee for the certificate of authority application, not to exceed Two Hundred Fifty Dollars ($250.00) for a one-year certificate or Four Hundred Dollars ($400.00) for a two-year certificate. Any corporation, firm or partnership having the necessary qualifications as prescribed herein and the rules and regulations of the board shall be issued a certificate of authority for said corporation, firm or partnership to practice engineering and to contract and collect fees for furnishing this service.

Each certificate of authorization will expire on December 31 of * * * the end of the renewal period year. It shall be the duty of the board to notify every corporation, firm or partnership holding a certificate of authority under Sections 73-13-1 through 73-13-45 of the date of the expiration of the certificate and the amount of the fee that shall be required for its renewal for one (1) year or two (2) years. The renewal fee shall not exceed One Hundred Fifty Dollars ($150.00) for one (1) year or Three Hundred Dollars ($300.00) for two (2) years; penalties for late renewal

shall be ten percent (10%) per month that payment is delayed. Additionally, if any of the information on the initial or any subsequent renewal application changes for the corporation, firm or partnership, said corporation, firm or partnership shall notify the board in the form and manner prescribed by the board within thirty (30) days of the change.

Effective January 1, 2005, the Secretary of State shall not issue a certificate of incorporation, licensure or authorization to an applicant or licensure as a foreign firm to a corporation, firm or partnership which includes in its name, or among the objectives for which it is established, any of the words, "engineer," "engineering," or any modification or derivation thereof, unless the board has issued for said applicant a certificate of authority or a letter indicating the eligibility of such applicant to receive such a certificate. The corporation, firm or partnership applying shall supply such certificate or letter from the board with its application for incorporation, licensure or authorization to the Secretary of State.

An engineer who renders occasional, part-time or consulting engineering services to or for a corporation, firm or partnership may not, for the purposes of this section, be designated as being responsible for the professional activities of the firm.

No such corporation, firm or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, partners, members or managers by reason of its

compliance with the provisions of this section. No individual practicing engineering under this chapter shall be relieved of responsibility for engineering services performed by reason of employment or other relationship with a firm holding an authorization certificate.

SECTION 4. Section 73-13-85, Mississippi Code of 1972, is amended as follows:

73-13-85. Certificates of licensure shall expire on the last day of the month of December at the end of the renewal period following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the board to notify every person licensed under Sections 73-13-71 through 73-13-105 of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one (1) year or two (2) years; such notice shall * * * occur at least one (1) month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee not to exceed Fifty Dollars ($50.00) or One Hundred Dollars ($100.00) if renewals are for two (2) years. A person who is licensed as a professional surveyor and as a professional engineer may effect both renewals by the payment of a single fee not to exceed Seventy-five Dollars ($75.00), or One Hundred Fifty Dollars ($150.00) if renewals are for two (2) years. The failure on the part of any licensee to renew his certificate annually or biennially in the month of

December as required above shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten percent (10%) for each month that payment of renewal is delayed; however, the maximum fee for delayed renewal shall not exceed five (5) times the normal renewal fee.

If a certificate has expired for six (6) months or more, the licensee shall be required to submit a new application, paying back fees and submitting proof of continuing professional competency compliance. If the certificate has expired for five (5) years or more, in addition to submitting a new application and proof of continuing professional competency compliance, reexamination in the principles and practice may be required. The reexamination may be waived by the board provided the applicant has continued to practice under another jurisdiction from the date of expiration of his certificate.

SECTION 5. Section 73-13-105, Mississippi Code of 1972, is amended as follows:

73-13-105. As of January 1, 2005, no corporation, firm or partnership may engage in the practice of professional surveying in this state unless it has been issued a certificate of authority by the board. In order to qualify for a certificate of authority, a corporation, firm or partnership must have at least one (1) Mississippi-licensed professional surveyor as a principal officer

or partner of the firm who has management responsibility for such practice.

The board shall have the authority to promulgate rules and regulations setting procedures, standards and other requirements for issuing and maintaining a certificate of authority for corporations, firms or partnerships practicing surveying in the State of Mississippi.

Applications for a certificate of authority shall be on the forms prescribed and furnished by the board, and provide all the information required by said board. The board shall establish a fee for the certificate of authority application, not to exceed Two Hundred Fifty Dollars ($250.00) for a one-year certificate and Four Hundred Dollars ($400.00) for a two-year certificate. Any corporation, firm or partnership having the necessary qualifications as prescribed herein and the rules and regulations of the board shall be issued a certificate of authority for said corporation, firm or partnership to practice surveying and to contract and collect fees for furnishing this service.

Each certificate of authorization will expire on December 31 of * * * the end of the renewal period year. It shall be the duty of the board to notify every corporation, firm or partnership holding a certificate of authority under Sections 73-13-71 through 73-13-105 of the date of the expiration of the certificate and the amount of the fee that shall be required for its renewal for one (1) year or two (2) years. The renewal fee shall not exceed One

Hundred Fifty Dollars ($150.00) for one (1) year or Three Hundred Dollars ($300.00) for two (2) years; penalties for late renewal shall be ten percent (10%) per month that payment is delayed. Additionally, if any of the information on the initial or any subsequent renewal application changes for the corporation, firm or partnership, said corporation, firm or partnership shall notify the board in the form and manner prescribed by the board within thirty (30) days of the change.

Effective January 1, 2005, the Secretary of State shall not issue a certificate of incorporation, licensure or authorization to an applicant or licensure as a foreign firm to a corporation, firm or partnership which includes in its name, or among the objectives for which it is established, any of the words, "surveyor," "surveying" or any modification or derivation thereof, unless the board has issued for said applicant a certificate of authority or a letter indicating the eligibility of such applicant to receive such a certificate. The corporation, firm or partnership applying shall supply such certificate or letter from the board with its application for incorporation, licensure or authorization to the Secretary of State.

A surveyor who renders occasional, part-time or consulting surveying services to or for a corporation, firm or partnership may not, for the purposes of this section, be designated as being responsible for the professional activities of the firm.

No such corporation, firm or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, partners, members or managers by reason of its compliance with the provisions of this section. No individual practicing surveying under this chapter shall be relieved of responsibility for surveying services performed by reason of employment or other relationship with a firm holding an authorization certificate.

SECTION 6. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1292

Description: Real Estate Commission; require notice of proposed rule changes via email to all licensees.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Accountability, Efficiency, Transparency
2	01/31	(H) Title Suff Do Pass
3	02/11	(H) Passed {Vote}
4	02/12	(H) Transmitted To Senate
5	02/26	(S) Referred To Accountability, Efficiency, Transparency
6	03/05	(S) Title Suff Do Pass
7	03/11	(S) Passed {Vote}
8	03/12	(S) Returned For Enrolling
9	03/13	(H) Enrolled Bill Signed
10	03/14	(S) Enrolled Bill Signed
11	03/19	Approved by Governor

Code Section: A 073-0035-0009, A 073-0035-0018, A 073-0035-0035

----- Additional Information -----

House Committee: Accountability, Efficiency, Transparency
Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Guice

Title: AN ACT TO AMEND SECTIONS 73-35-9 AND 73-35-18, MISSISSIPPI CODE OF 1972, TO REQUIRE APPLICANTS FOR A REAL ESTATE BROKER'S OR REAL ESTATE SALESPERSON'S LICENSE OR LICENSE RENEWAL FROM THE MISSISSIPPI REAL ESTATE COMMISSION TO PROVIDE A CURRENT EMAIL ADDRESS; TO AMEND SECTION 73-35-35, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COMMISSION TO PROVIDE NOTICE OF PROPOSED RULE CHANGES AND ADOPTIONS TO ALL REAL ESTATE BROKERS AND

SALESPERSONS WHO HAVE PROVIDED AN EMAIL ADDRESS TO THE COMMISSION; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1292

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Guice

To: Accountability, Efficiency, Transparency

HOUSE BILL NO. 1292

AN ACT TO AMEND SECTIONS 73-35-9 AND 73-35-18, MISSISSIPPI CODE OF 1972, TO REQUIRE APPLICANTS FOR A REAL ESTATE BROKER'S OR REAL ESTATE SALESPERSON'S LICENSE OR LICENSE RENEWAL FROM THE MISSISSIPPI REAL ESTATE COMMISSION TO PROVIDE A CURRENT EMAIL ADDRESS; TO AMEND SECTION 73-35-35, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COMMISSION TO PROVIDE NOTICE OF PROPOSED RULE CHANGES AND ADOPTIONS TO ALL REAL ESTATE BROKERS AND SALESPERSONS WHO HAVE PROVIDED AN EMAIL ADDRESS TO THE COMMISSION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-35-9, Mississippi Code of 1972, is amended as follows:

73-35-9. (1) Every applicant for a real estate broker's license shall apply therefor in writing upon blanks prepared by the commission and shall provide such data and information as the commission may require.

(2) Such application shall be accompanied by the recommendation of at least three (3) citizens who have been property owners for at least three (3) years, who have known the applicant for three (3) years, and who are not related to the applicant, certifying that the applicant bears a good reputation

for honesty and trustworthiness and recommending that a license be granted to the applicant.

(3) Every applicant for a salesperson's license shall apply therefor in writing upon blanks prepared by the commission and shall provide such data and information as the commission may require.

(4) Each application for license shall also be accompanied by two (2) photographs of the applicant in such form as the commission may prescribe.

(5) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64 * * *.

(6) Beginning on July 1, 2019, each application for a license made under this section must include a current email address for the applicant.

SECTION 2. Section 73-35-18, Mississippi Code of 1972, is amended as follows:

73-35-18. (1) Each individual applicant for renewal of a license issued by the Mississippi Real Estate Commission shall, on or before the expiration date of his license, or at a time directed by the commission, submit proof of completion of not less than sixteen (16) clock hours of approved course work to the commission, in addition to any other requirements for renewal. The sixteen (16) clock hours' course work requirement shall apply to each two-year license renewal, and hours in excess thereof

shall not be cumulated or credited for the purposes of subsequent license renewals except as provided in this subsection (1). The commission shall develop standards for approval of courses and shall require certification of such course work of the applicant. The commission may determine any required subject matter within the mandated sixteen (16) hours; provided that the required subjects shall not exceed eight (8) hours of the total sixteen (16) hours. Approved continuing education hours earned in the final three (3) months of a licensee's renewal period, if in excess of the required minimum sixteen (16) hours, may be carried over and credited to the next renewal period. However, no more than six (6) hours may be carried over in this manner. Any member of the Mississippi Legislature who has a real estate license shall be credited with eight (8) hours of credit for the attendance of each year of a legislative session. No person may receive continuing education credit for prelicense education courses taken, except as follows: a licensee whose license is on inactive status and whose continuing education credits are at least thirty (30) hours in arrears may, at the discretion of the commission, receive continuing education credit for retaking prelicense coursework, provided the entire prelicense course is retaken.

(2) This section shall apply to renewals of licenses which expire on and after July 1, 1994; however, an applicant for first renewal who has been licensed for not more than one (1) year shall not be required to comply with this section for the first renewal

of the applicant's license. The provisions of this section shall not apply to persons who have held a broker's or salesperson's license in this state for at least twenty-five (25) years and who are older than seventy (70) years of age. Inactive licensees are not required to meet the real estate continuing education requirements specified in this section; however, such inactive licensees, before activating their license to active status, must cumulatively meet requirements missed during the period their license was inactive.

(3) A renewal of a license issued by the commission which expires after June 30, 2019, must include a current email address for the applicant. Any email address previously provided by an applicant to the commission which is no longer valid or the primary email address of the applicant must be updated when a renewal application is submitted under this section.

(4) The commission shall promulgate rules and regulations as necessary to accomplish the purposes of this section in accordance with the Mississippi Administrative Procedures Law.

(* * *5) [Repealed]

SECTION 3. Section 73-35-35, Mississippi Code of 1972, is amended as follows:

73-35-35. (1) The commission may act by a majority of the members thereof, and authority is hereby given to the commission to adopt, fix and establish all rules and regulations in its opinion necessary for the conduct of its business, the holdings of

hearings before it, and otherwise generally for the enforcement and administration of the provisions of this chapter.

Further, the commission is empowered with the authority to adopt such rules and regulations as it deems appropriate to regulate the sale of timesharing and condominium properties within the State of Mississippi and the sale of timesharing and condominium properties in other states to residents of Mississippi.

(2) Beginning on July 1, 2019, the commission shall provide notice by email to each real estate broker and real estate salesperson who has provided an email address to the commission under Section 73-35-9 or 73-35-18 of each proposed rule or regulation change or adoption. The notice required under this subsection must be given on no less than three (3) separate occasions during the notice period prescribed under the Mississippi Administrative Procedures Law (Chapter 43, Title 25, Mississippi Code of 1972).

SECTION 4. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1313

Description: Emergency medical technicians; revise definition of EMT-advanced.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Public Health and Human Services
2	01/31	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/08	(H) Transmitted To Senate
5	02/26	(S) Referred To Public Health and Welfare
6	03/05	(S) Title Suff Do Pass
7	03/12	(S) Passed {Vote}
8	03/13	(S) Returned For Enrolling
9	03/15	(H) Enrolled Bill Signed
10	03/15	(S) Enrolled Bill Signed
11	03/21	Approved by Governor

Code Section: A 041-0060-0011

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: Powell
Additional Authors: Sykes, Mickens

Title: AN ACT TO AMEND SECTION 41-60-11, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF "EMERGENCY MEDICAL TECHNICIAN-ADVANCED" FOR THE PURPOSES OF THE EMERGENCY MEDICAL TECHNICIAN LAWS; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1313

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Powell, Sykes, Mickens

To: Public Health and Human Services

HOUSE BILL NO. 1313

AN ACT TO AMEND SECTION 41-60-11, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF "EMERGENCY MEDICAL TECHNICIAN-ADVANCED" FOR THE PURPOSES OF THE EMERGENCY MEDICAL TECHNICIAN LAWS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-60-11, Mississippi Code of 1972, is amended as follows:

41-60-11. As used in Sections 41-59-29 through 41-59-37 and Sections 41-60-11 and 41-60-13, unless the context otherwise requires, the term:

(a) "Advanced life support" means a sophisticated level of prehospital and interhospital emergency care which includes basic life-support functions including cardiopulmonary resuscitation (CPR), plus cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of antiarrhythmic agents, intravenous therapy, administration of specific medications, drugs and solutions, use of adjunctive ventilation devices, trauma care and other authorized techniques and procedures.

(b) "Advanced life-support personnel" means persons other than physicians engaged in the provision of advanced life support, as defined and regulated by rules and regulations promulgated by the board.

(c) "Emergency medical technician-advanced" means a person specially trained in an advanced life-support * * * training program authorized by the Mississippi State Board of Health.

(d) "Emergency medical technician-paramedic" means a person specially trained in an advanced life-support training program authorized by the Mississippi State Board of Health.

(e) "Emergency medical technician-paramedic critical care" means a person who (i) is licensed as a Mississippi Emergency Medical Technician Paramedic, and (ii) has successfully completed a critical care paramedic program recognized by the Bureau of Emergency Medical Services and the Mississippi State Department of Health.

(f) "Medical control" means directions and advice provided from a centrally designated medical facility staffed by appropriate personnel, operating under medical supervision, supplying professional support through radio or telephonic communication for on-site and in-transit basic and advanced life-support services given by field and satellite facility personnel.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1322

Description: Eye examinations; require SBE to recommend for first grade students whose initial screening indicates need for comprehensive.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Education; Public Health and Human Services
2	01/31	(H) DR - TSDPCS: ED To PH
3	01/31	(H) DR - TSDPCS: PH To ED
4	01/31	(H) Title Suff Do Pass Comm Sub
5	02/11	(H) Committee Substitute Adopted
6	02/11	(H) Passed {Vote}
7	02/13	(H) Transmitted To Senate
8	02/26	(S) Referred To Education
9	03/04	(S) Title Suff Do Pass
10	03/07	(S) Passed {Vote}
11	03/11	(S) Returned For Enrolling
12	03/12	(H) Enrolled Bill Signed
13	03/12	(S) Enrolled Bill Signed
14	03/15	Approved by Governor

Code Section: A 037-0003-0087

----- Additional Information -----

House Committee: Education, Public Health and Human Services
Senate Committee: Education

Principal Author: Roberson
Additional Authors: Dortch, Aguirre, Corley, Evans (91st), Scoggin, Hopkins, Dixon, Sykes, White, Willis, Hines

Title: AN ACT TO AMEND SECTION 37-3-87, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE BOARD OF EDUCATION TO RECOMMEND CHILDREN ENTERING FIRST GRADE TO HAVE A FACE-TO-FACE COMPREHENSIVE EYE

EXAMINATION IF THE CHILD'S INITIAL EYE SCREENING INDICATES THE NEED; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Roberson, Dortch, Aguirre, Corley, Evans (91st), Scoggin, Hopkins, Dixon, Sykes, White, Willis, Hines

To: Education; Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1322

AN ACT TO AMEND SECTION 37-3-87, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE BOARD OF EDUCATION TO RECOMMEND CHILDREN ENTERING FIRST GRADE TO HAVE A FACE-TO-FACE COMPREHENSIVE EYE EXAMINATION IF THE CHILD'S INITIAL EYE SCREENING INDICATES THE NEED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-3-87, Mississippi Code of 1972, is amended as follows:

37-3-87. (1) This section shall be known and may be cited as the "Mississippi Better Sight for Better Learning Program."

(2) The State Board of Education shall recommend a child entering first grade, whose eye screening indicates a need to have a face-to-face comprehensive eye examination, to be completed by an optometrist or ophthalmologist by January 1 of the child's first grade year. A principal, director or other person in charge of a public school shall collect from the child's parent or legal guardian, evidence of the child's face-to-face comprehensive eye examination, as provided by regulation of the State Board of Education, or a signed request by the parent or legal guardian of

each student opting out of the face-to-face comprehensive eye examination. A face-to-face comprehensive eye examination that was performed before a child's initial enrollment in a public school shall be deemed to satisfy the requirement of this section. The State Board of Education shall adopt rules and regulations under the authority provided in this section to implement the provisions of this section.

(* * *3) The State Department of Education is hereby authorized and empowered to establish a student vision screening program to make eye screening services available to students in Grades K-12 in the public schools in order to detect vision problems which can lead to academic problems. Such eye screening service shall be based on a process that is screening in nature, and not diagnostic, which is intended to identify with a reasonably high probability, students with a wide range of eye problems who should seek the services of an eye care professional for examination, diagnosis and corrective recommendation. Such eye screening service shall provide each student screened with a report of the student's screening results to be taken home. Each school shall be provided with a list of the students screened, and their results. Statistical summaries of the screening results shall be provided to each school, and composite statistics by school system, county or district shall be provided to the State Department of Education. The State Department of Education may contract with any legal entity to administer the student vision

screening program on the school district level, and such contract shall be let on a competitive basis. State funding for the program shall only be available subject to appropriation by the Legislature.

(* * *4) The school board of any local school district shall cooperate with the State Department of Education and any entity under contract with the department to implement the student face-to-face comprehensive eye examination or vision screening programs established under this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1329

Description: Vehicle loads; allow certain front and rear projecting to extend as allowable under federal law.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Transportation
2	01/30	(H) Title Suff Do Pass
3	02/06	(H) Passed {Vote}
4	02/07	(H) Transmitted To Senate
5	02/26	(S) Referred To Highways and Transportation
6	03/05	(S) Title Suff Do Pass
7	03/13	(S) Passed {Vote}
8	03/14	(S) Returned For Enrolling
9	03/18	(H) Enrolled Bill Signed
10	03/18	(S) Enrolled Bill Signed
11	03/21	Approved by Governor

Code Section: A 063-0005-0019, A 063-0005-0023

----- Additional Information -----

House Committee: Transportation
Senate Committee: Highways and Transportation

Principal Author: McGee

Title: AN ACT TO AMEND SECTIONS 63-5-19 AND 63-5-23, MISSISSIPPI CODE OF 1972, TO ALLOW CERTAIN REAR AND FRONT PROJECTING LOADS OF VEHICLES TO EXTEND TO THE DISTANCE ALLOWABLE UNDER FEDERAL LAW; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1329

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative McGee To: Transportation

HOUSE BILL NO. 1329

AN ACT TO AMEND SECTIONS 63-5-19 AND 63-5-23, MISSISSIPPI CODE OF 1972, TO ALLOW CERTAIN REAR AND FRONT PROJECTING LOADS OF VEHICLES TO EXTEND TO THE DISTANCE ALLOWABLE UNDER FEDERAL LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-5-19, Mississippi Code of 1972, is amended as follows:

63-5-19. (1) Except as otherwise provided in this section, no single vehicle, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty (40) feet.

(2) No semitrailer operating in a truck tractor-semitrailer combination and no trailer drawn by a motor vehicle shall exceed a length of fifty-three (53) feet.

(3) No semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination and no trailer operating in a double trailer combination drawn by a motor vehicle shall exceed a length of thirty (30) feet.

(4) No semitrailer or trailer combinations in excess of two (2) units, excluding the towing motor vehicle, shall be allowed to operate on the highways of this state.

(5) No motor home shall have an overall length exclusive of front and rear bumpers, in excess of forty-five (45) feet.

(6) The load upon the rear vehicle of a combination of vehicles transporting forest or agricultural products in their natural state shall not project more than twenty-eight (28) feet beyond the rear axle of the vehicle except in the special circumstance hereinafter prescribed. If such products project more than twenty-eight (28) feet beyond the rear axle and, due to the end use for which they are intended (such as tall utility poles or light poles or the like), such products cannot be shortened without rendering them useless for the finished product for which they have been cut, then such special circumstance may be considered good cause for the obtaining of a permit which shall be procured pursuant to Section 63-5-51 before vehicles transporting such products may operate. Except as otherwise provided in Section 63-5-21, any vehicle transporting projecting loads as described in this subsection that extend four (4) feet or more beyond the rear or body of the vehicle shall operate only during daylight hours, and the load on vehicles designed to transport forestry products shall be secured by at least two (2) chains, two (2) wire ropes, or two (2) nylon straps, one (1)

positioned behind the front bolster and one (1) in front of the back bolster.

(7) Except as otherwise provided in Section 63-5-21, the rear projecting load of any vehicle operating during the period described under Section 63-7-11 may not extend four (4) feet or more beyond the rear or body of the vehicle, or as otherwise allowable by federal law.

(8) The length limitations on projecting loads prescribed in this section do not apply to a single vehicle or the rear vehicle of a combination of vehicles designed for on-farm delivery and unloading of any agricultural product, in its natural or manufactured form, which is fitted with an auger or similar unloading device permanently affixed to the vehicle that extends no more than eight (8) feet horizontally beyond the rear or body of the vehicle provided that no portion of such device which extends four (4) feet or more beyond the rear or body of the vehicle is less than seven (7) feet above the roadway surface. However, any such vehicle may not be operated on the public highways, roads or streets of this state during the period described under Section 63-7-11.

(9) A vehicle designed and especially constructed to transport raw cotton from harvest to the cotton gin may have a total overall length not to exceed fifty (50) feet whenever any such vehicle is being operated within a radius of fifty (50) miles of the vehicle's home base or its contractual customer.

SECTION 2. Section 63-5-23, Mississippi Code of 1972, is amended as follows:

63-5-23. The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three (3) feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with such bumper, or as otherwise allowable by federal law.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1362

Description: Energy efficiency standards on buildings; extend repealer on statute requiring certain buildings to meet.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Energy
2	01/30	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/08	(H) Transmitted To Senate
5	02/26	(S) Referred To Energy
6	02/28	(S) Title Suff Do Pass As Amended
7	03/13	(S) Amended
8	03/13	(S) Passed As Amended {Vote}
9	03/13	(S) Motion to Reconsider Entered
10	03/14	(S) Reconsidered
11	03/14	(S) Amendment Failed
12	03/14	(S) Passed {Vote}
13	03/18	(S) Returned For Enrolling
14	03/19	(H) Enrolled Bill Signed
15	03/19	(S) Enrolled Bill Signed
16	03/22	Approved by Governor

Amendments:

[S] Committee Amendment No 1Lost Voice Vote

Code Section: A 057-0039-0021

----- Additional Information -----

House Committee: Energy
Senate Committee: Energy

Principal Author: Staples

Title: AN ACT TO AMEND SECTION 57-39-21, MISSISSIPPI CODE OF 1972, WHICH REQUIRES CERTAIN STANDARDS THAT PROMOTE EFFICIENT ENERGY USE

TO BE IMPLEMENTED DURING THE DESIGN, DIRECTION, CONSTRUCTION AND ALTERATION OF CERTAIN BUILDINGS, BY EXTENDING THE DATE OF THE REPEALER ON THAT STATUTE; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1362

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Staples To: Energy

HOUSE BILL NO. 1362

AN ACT TO AMEND SECTION 57-39-21, MISSISSIPPI CODE OF 1972, WHICH REQUIRES CERTAIN STANDARDS THAT PROMOTE EFFICIENT ENERGY USE TO BE IMPLEMENTED DURING THE DESIGN, DIRECTION, CONSTRUCTION AND ALTERATION OF CERTAIN BUILDINGS, BY EXTENDING THE DATE OF THE REPEALER ON THAT STATUTE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-39-21, Mississippi Code of 1972, is amended as follows:

57-39-21. (1) The board, in consultation with other appropriate professional groups and organizations, and others knowledgeable in the subject, shall review, amend and adopt, in accordance with Standard 90.1-2010 of the American Society of Heating, Refrigeration and Air-Conditioning Engineers, energy code standards for building construction, standards for computer-based energy management systems, standards for systems for cogeneration of heating, cooling and electricity, and standards for design to use passive solar energy concepts, in order to promote the efficient use of energy. For the purposes of this section, "building" shall mean any structure which includes provisions for

a heating or cooling system, or both, or for a hot water system, except exempted buildings. Unless it is an exempted building, each of the following are examples of buildings, within the meaning of this section:

(a) Any building which provides facilities or shelter for public assembly, or which is used for educational, office or institutional purposes;

(b) Any inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant or other commercial establishment which provides service or retail merchandise;

(c) Any portion of an industrial plant building used primarily as office space; and

(d) Any building owned by a state or political subdivision or instrumentality thereof, including libraries, museums, schools, hospitals, auditoriums, sports arenas and university buildings.

(2) Exempt buildings shall include:

(a) Buildings and structures or portions thereof whose peak design rate of energy usage is less than three and four-tenths (3.4) British thermal units per hour per square foot or one (1.0) watt per square foot of floor area for all purposes;

(b) Buildings and structures or portions thereof which are neither heated nor cooled by fuel;

(c) Any mobile home;

(d) Any privately owned, noncommercial building or structure whose construction, heating, cooling or lighting arrangement is not in conflict with federal law;

(e) Any building owned or leased, in whole or in part, by the United States government.

(3) Beginning July 1, 2013, the design, direction, construction and alteration of any building for which the standards promulgated pursuant to subsection (1) of this section applies shall be accomplished so that the building or applicable portions thereof shall meet or conform to the standards. The board shall not have enforcement over this section. Local governing authorities shall adopt rules and regulations for the administration and enforcement of this section, and to adopt such penalties for violation of this section as they deem appropriate, except in regard to buildings owned by the state. In state-owned buildings, the building commission shall provide for the compliance with the standards adopted under this chapter. Local governing authorities are authorized to adopt rules and regulations as developed and promulgated by the commission for the administration and enforcement of these standards and to adopt such penalties for violations of the standards as they deem appropriate. Local governing authorities are authorized to establish an inspection fee for the inspection of thermal and lighting standards in an amount not to exceed One Hundred Fifty Dollars ($150.00).

(4) This section shall stand repealed from and after July 1, * * * 2023.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1465

Description: Assault and aggravated assault; include health care providers in provisions regarding.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Judiciary B
2	02/05	(H) Title Suff Do Pass
3	02/13	(H) Passed {Vote}
4	02/14	(H) Transmitted To Senate
5	02/25	(S) Referred To Judiciary, Division B; Corrections
6	03/05	(S) DR - TSDP: JB To CR
7	03/05	(S) Title Suff Do Pass
8	03/11	(S) Passed {Vote}
9	03/12	(S) Returned For Enrolling
10	03/13	(H) Enrolled Bill Signed
11	03/14	(S) Enrolled Bill Signed
12	03/19	Approved by Governor

Code Section: A 097-0003-0007

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Judiciary, Division B, Corrections

Principal Author: Carpenter
Additional Authors: Aguirre, Arnold, Bain, Barton, Bell (21st), Chism, Clarke, Ford, Foster, Gibbs (36th), Hopkins, Hughes, Kinkade, Ladner, Massengill, McGee, McLeod, Mickens, Miles, Morgan, Oliver, Patterson, Roberson, Rogers (14th), Rushing, Scoggin, Shanks, Shirley, Sullivan, Sykes, Tullos, Turner, Barnett, Faulkner

Title: AN ACT TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF 1972, TO EXPAND THE PROVISION OF LAW REGARDING THE REQUIREMENTS FOR ENHANCED PENALTIES FOR SIMPLE ASSAULT AND AGGRAVATED ASSAULT BY ADDING "HEALTH CARE PROVIDERS"; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Carpenter, Aguirre, Arnold, Bain, Barton, Bell (21st), Chism, Clarke, Ford, Foster, Gibbs (36th), Hopkins, Hughes, Kinkade, Ladner, Massengill, McGee, McLeod, Mickens, Miles, Morgan, Oliver, Patterson, Roberson, Rogers (14th), Rushing, Scoggin, Shanks, Shirley, Sullivan, Sykes, Tullos, Turner, Barnett, Faulkner

To: Judiciary B

HOUSE BILL NO. 1465

AN ACT TO AMEND SECTION 97-3-7, MISSISSIPPI CODE OF 1972, TO EXPAND THE PROVISION OF LAW REGARDING THE REQUIREMENTS FOR ENHANCED PENALTIES FOR SIMPLE ASSAULT AND AGGRAVATED ASSAULT BY ADDING "HEALTH CARE PROVIDERS"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-3-7, Mississippi Code of 1972, is amended as follows:

97-3-7. (1) (a) A person is guilty of simple assault if he or she (i) attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; (ii) negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or (iii) attempts by physical menace to put another in fear of imminent serious bodily harm; and, upon conviction, he or she shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than six (6) months, or both.

(b) However, a person convicted of simple assault upon any of the persons listed in subsection (14) of this section under the circumstances enumerated in subsection (14) shall be punished

by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment for not more than five (5) years, or both.

(2) (a) A person is guilty of aggravated assault if he or she (i) attempts to cause serious bodily injury to another, or causes such injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life; (ii) attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or (iii) causes any injury to a child who is in the process of boarding or exiting a school bus in the course of a violation of Section 63-3-615; and, upon conviction, he or she shall be punished by imprisonment in the county jail for not more than one (1) year or * * * sentenced to the custody of the Department of Corrections for not more than twenty (20) years.

(b) However, a person convicted of aggravated assault upon any of the persons listed in subsection (14) of this section under the circumstances enumerated in subsection (14) shall be punished by a fine of not more than Five Thousand Dollars ($5,000.00) or by imprisonment for not more than thirty (30) years, or both.

(3) (a) When the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child,

grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child, a person is guilty of simple domestic violence who:

(i) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another;

(ii) Negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or

(iii) Attempts by physical menace to put another in fear of imminent serious bodily harm.

Upon conviction, the defendant shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than six (6) months, or both.

(b) **Simple domestic violence: third.** A person is guilty of the felony of simple domestic violence third who commits simple domestic violence as defined in this subsection (3) and who, at the time of the commission of the offense in question, has two (2) prior convictions, whether against the same or another victim, within seven (7) years, for any combination of simple domestic violence under this subsection (3) or aggravated domestic violence as defined in subsection (4) of this section or substantially similar offenses under the law of another state, of the United States, or of a federally recognized Native American

tribe. Upon conviction, the defendant shall be sentenced to a term of imprisonment not less than five (5) nor more than ten (10) years.

(4) (a) When the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child, a person is guilty of aggravated domestic violence who:

(i) Attempts to cause serious bodily injury to another, or causes such an injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;

(ii) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or

(iii) Strangles, or attempts to strangle another.

Upon conviction, the defendant shall be punished by imprisonment in the custody of the Department of Corrections for not less than two (2) nor more than twenty (20) years.

(b) **Aggravated domestic violence; third.** A person is guilty of aggravated domestic violence third who, at the time of

the commission of that offense, commits aggravated domestic violence as defined in this subsection (4) and who has two (2) prior convictions within the past seven (7) years, whether against the same or another victim, for any combination of aggravated domestic violence under this subsection (4) or simple domestic violence third as defined in subsection (3) of this section, or substantially similar offenses under the laws of another state, of the United States, or of a federally recognized Native American tribe. Upon conviction for aggravated domestic violence third, the defendant shall be sentenced to a term of imprisonment of not less than ten (10) nor more than twenty (20) years.

(5) **Sentencing for fourth or subsequent domestic violence offense.** Any person who commits an offense defined in subsection (3) or (4) of this section, and who, at the time of the commission of that offense, has at least three (3) previous convictions, whether against the same or different victims, for any combination of offenses defined in subsections (3) and (4) of this section or substantially similar offenses under the law of another state, of the United States, or of a federally recognized Native American tribe, shall, upon conviction, be sentenced to imprisonment for not less than fifteen (15) years nor more than twenty (20) years.

(6) In sentencing under subsections (3), (4) and (5) of this section, the court shall consider as an aggravating factor whether the crime was committed in the physical presence or hearing of a child under sixteen (16) years of age who was, at the time of the

offense, living within either the residence of the victim, the residence of the perpetrator, or the residence where the offense occurred.

(7) Reasonable discipline of a child, such as spanking, is not an offense under subsections (3) and (4) of this section.

(8) A person convicted under subsection (4) or (5) of this section shall not be eligible for parole under the provisions of Section 47-7-3(1)(c) until he or she shall have served one (1) year of his or her sentence.

(9) For the purposes of this section:

(a) "Strangle" means to restrict the flow of oxygen or blood by intentionally applying pressure on the neck, throat or chest of another person by any means or to intentionally block the nose or mouth of another person by any means.

(b) "Dating relationship" means a social relationship as defined in Section 93-21-3.

(10) Every conviction under subsection (3), (4) or (5) of this section may require as a condition of any suspended sentence that the defendant participate in counseling or treatment to bring about the cessation of domestic abuse. The defendant may be required to pay all or part of the cost of the counseling or treatment, in the discretion of the court.

(11) (a) Upon conviction under subsection (3), (4) or (5) of this section, the court shall be empowered to issue a criminal protection order prohibiting the defendant from any contact with

the victim. The court may include in a criminal protection order any other condition available under Section 93-21-15. The duration of a criminal protection order shall be based upon the seriousness of the facts before the court, the probability of future violations, and the continued safety of the victim or another person. However, municipal and justice courts may issue criminal protection orders for a maximum period of time not to exceed one (1) year. Circuit and county courts may issue a criminal protection order for any period of time deemed necessary. Upon issuance of a criminal protection order, the clerk of the issuing court shall enter the order in the Mississippi Protection Order Registry within twenty-four (24) hours of issuance with no exceptions for weekends or holidays, pursuant to Section 93-21-25.

(b) A criminal protection order shall not be issued against the defendant if the victim of the offense, or the victim's lawful representative where the victim is a minor or incompetent person, objects to its issuance, except in circumstances where the court, in its discretion, finds that a criminal protection order is necessary for the safety and well-being of a victim who is a minor child or incompetent adult.

(c) Criminal protection orders shall be issued on the standardized form developed by the Office of the Attorney General and a copy provided to both the victim and the defendant.

(d) It shall be a misdemeanor to knowingly violate any condition of a criminal protection order. Upon conviction for a

violation, the defendant shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than six (6) months, or both.

(12) When investigating allegations of a violation of subsection (3), (4), (5) or (11) of this section, whether or not an arrest results, law enforcement officers shall utilize the form prescribed for such purposes by the Office of the Attorney General in consultation with the sheriff's and police chief's associations. However, failure of law enforcement to utilize the uniform offense report shall not be a defense to a crime charged under this section. The uniform offense report shall not be required if, upon investigation, the offense does not involve persons in the relationships specified in subsections (3) and (4) of this section.

(13) In any conviction under subsection (3), (4), (5) or (11) of this section, the sentencing order shall include the designation "domestic violence." The court clerk shall enter the disposition of the matter into the corresponding uniform offense report.

(14) Assault upon any of the following listed persons is an aggravating circumstance for charging under subsections (1)(b) and (2)(b) of this section:

(a) When acting within the scope of his or her duty, office or employment at the time of the assault: a statewide elected official; law enforcement officer; fireman; emergency

medical personnel; * * * health * * * care provider; employees of a health care provider or health care facility; social worker, family protection specialist or family protection worker employed by the Department of Human Services or another agency; Division of Youth Services personnel; any county or municipal jail officer; superintendent, principal, teacher or other instructional personnel, school attendance officer or school bus driver; any member of the Mississippi National Guard or United States Armed Forces; a judge of a circuit, chancery, county, justice, municipal or youth court or a judge of the Court of Appeals or a justice of the Supreme Court; district attorney or legal assistant to a district attorney; county prosecutor or municipal prosecutor; court reporter employed by a court, court administrator, clerk or deputy clerk of the court; public defender; or utility worker;

(b) A legislator while the Legislature is in regular or extraordinary session or while otherwise acting within the scope of his or her duty, office or employment; or

(c) A person who is sixty-five (65) years of age or older or a person who is a vulnerable person, as defined in Section 43-47-5.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1468

Description: Economic development districts; revise entities to which they may transfer property within industrial parks.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Public Property; Ways and Means
2	01/31	(H) DR - TSDP: PP To WM
3	02/05	(H) DR - TSDP: WM To PP
4	02/05	(H) Title Suff Do Pass
5	02/07	(H) Passed {Vote}
6	02/08	(H) Transmitted To Senate
7	02/26	(S) Referred To Finance
8	03/05	(S) Title Suff Do Pass
9	03/07	(S) Passed {Vote}
10	03/11	(S) Returned For Enrolling
11	03/12	(H) Enrolled Bill Signed
12	03/12	(S) Enrolled Bill Signed
13	03/15	Approved by Governor

Code Section: A 019-0005-0099

----- Additional Information -----

House Committee: Public Property, Ways and Means
Senate Committee: Finance

Principal Author: Rogers (61st)
Additional Authors: Weathersby

Title: AN ACT TO AMEND SECTION 19-5-99, MISSISSIPPI CODE OF 1972, TO REVISE THE ENTITIES TO WHICH ECONOMIC DEVELOPMENT DISTRICTS MAY TRANSFER INDUSTRIAL SITES WITHIN INDUSTRIAL PARKS TO INCLUDE THE MISSISSIPPI MILITARY DEPARTMENT AND THE MISSISSIPPI NATIONAL GUARD; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Rogers (61st), Weathersby

To: Public Property; Ways and Means

HOUSE BILL NO. 1468

AN ACT TO AMEND SECTION 19-5-99, MISSISSIPPI CODE OF 1972, TO REVISE THE ENTITIES TO WHICH ECONOMIC DEVELOPMENT DISTRICTS MAY TRANSFER INDUSTRIAL SITES WITHIN INDUSTRIAL PARKS TO INCLUDE THE MISSISSIPPI MILITARY DEPARTMENT AND THE MISSISSIPPI NATIONAL GUARD; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 19-5-99, Mississippi Code of 1972, is amended as follows:

19-5-99. (1) Subject to the provisions of Section 19-9-111, the board of supervisors of any county in the State of Mississippi, in its discretion, by order duly entered on its minutes, may establish economic development districts comprising all of the county, or one or more supervisors districts of the county, or may establish such economic development districts in cooperation with one or more other counties or with municipalities or with other local and private economic development groups. The board of supervisors may do everything within its power to secure and further industrial development of the county or counties or

district, to advertise the natural resources and possibilities of the same, and to maintain and support the same.

All monies collected for the support and maintenance of such economic development district, in accordance with the tax levy provided in Section 19-9-111, shall be placed in the county treasury to the credit of the county or district economic development fund and shall be expended as other public funds are expended, and in which event the employees of such economic development district shall be employees of the county and considered as such. In addition to such funds provided by taxation, the board of supervisors of such county may accept gifts, gratuities and donations from municipalities in such districts and from any persons, firms or corporations desiring to make such donations. Such appropriation, gift or donation shall also be placed in the county treasury and be expended in the support and maintenance of such district.

At the option of such board of supervisors, or boards of supervisors if more than one (1) county is embraced in such economic development district, it may provide for the management of such economic development district by appointing not more than twenty-five (25) nor less than five (5) trustees, or if a multicounty district not more than five (5) trustees per participating county, who shall be qualified electors residing within such economic development district, to manage the affairs of such district, and in which event the funds made available by

the county or counties for the support and maintenance of such economic development district may be expended by a majority vote of such trustees so appointed to manage such economic development district. Each trustee who is an officer of the economic development district shall qualify by giving bond, with sufficient surety, to be payable, conditioned and approved as provided by law, in a penalty equal to Fifty Thousand Dollars ($50,000.00), the premiums on all such surety bonds being paid by such economic development district. If this option is exercised and such districts operated and maintained under this paragraph, then in such event the employees of such economic development district shall not be considered as employees of the county for state retirement or any other purposes.

All funds secured and expended under the provisions of this section shall be public funds and the Auditor of Public Accounts of the State of Mississippi shall audit the same as other public funds are now audited.

Notwithstanding any provision of this section to the contrary, the board of supervisors of a county having therein an economic development district established under this section or any other law and the governing authorities of any municipality located within the economic development district in such county may enter into a contract providing for the contribution of funds by the municipality or other local and private economic development groups to the economic development district and

providing for the appointment by the municipal governing authorities or other local and private economic development groups of a number of trustees, as determined by the parties to the contract, to assist in the management of the district. In like manner, any economic or industrial development foundation or private economic development group may enter into a contract with the board of supervisors of the county or jointly with the board of supervisors of the county and municipal governing authorities providing for the contribution of funds by the economic or industrial development foundation or private economic development group to the economic development district and providing for the appointment by the officials or governing board of the foundation of a number of trustees, as determined by the parties to the contract, to assist in the management of the district.

(2) Any economic development district established under this section may, when suitable office space is not otherwise available, purchase and acquire title to real estate within the district and make any improvements thereon to provide the office space it considers necessary for efficient operation of such district. Provided, however, that no contract or agreement for the exclusive listing, sale or representation for sale of publicly owned property shall be entered into by such economic development districts with any real estate broker or brokers.

(3) (a) Any economic development district established under this section shall have the authority to acquire by gift, purchase

or otherwise, and to own, hold, maintain, control and develop real estate situated within the county or counties comprising such district for the development, use and operation of industrial parks or other industrial development purposes. The district is further authorized and empowered to engage in works of internal improvement therefor including, but not limited to, construction or contracting for the construction of streets, roads, railroads, spur tracks, site improvements, water, sewerage, drainage, pollution control and other related facilities necessary or required for industrial development purposes or the development of industrial park complexes; to acquire, purchase, install, lease, construct, own, hold, equip, control, maintain, use, operate and repair other structures and facilities necessary and convenient for the planning, development, use, operation and maintenance of an industrial park or parks or for other industrial development purposes, including, but not limited to, utility installations, elevators, compressors, warehouses, buildings and air, rail and other transportation terminals and pollution control facilities.

(b) Contracts for the construction, improvement, equipping or furnishing of an industrial site and improvements thereon as authorized in this section shall be entered into upon the basis of public bidding under Section 31-7-1 et seq.

(4) For the development of such projects, the board of supervisors of any county that establishes an economic development district under this section or that establishes an economic

development district in cooperation with one or more other counties, or municipalities or other local and private economic groups, may, upon receipt of a resolution duly adopted by the trustees of such district, issue, secure and manage its bonds in the manner prescribed by Sections 19-9-5, 19-9-7, 19-9-9, 19-9-11, 19-9-13, 19-9-15, 19-9-17, 19-9-19, 19-9-21, 19-9-23, 19-9-25 and 19-9-29. Such bonds shall be sold in accordance with the provisions of Section 31-19-25. The full faith, credit and resources of the county shall be irrevocably pledged for the payment of the principal of and interest on the bonds issued under this section. Any income derived from the sale or lease of the property authorized to be acquired under this section shall be applied in one or more of the following manners: (a) the retirement of bonds authorized to be issued under this section; (b) further improvement or development of such industrial parks or other related industrial development activities; or (c) payment into the general fund of the county to be used for any lawful purpose. Any amounts so paid into the general fund shall be included in the computation of total receipts and subject to the restrictions of Section 27-39-321. The board of supervisors may covenant with or for the benefit of the registered owners of any bonds issued under this section with respect to the application of any or all of such income and shall, by resolution adopted before or promptly after receipt of any such income, determine, in its discretion subject only to the restrictions set forth above and

any covenants made to or for the benefit of any registered owners of bonds issued under this section, the manner in which such income shall be applied.

The bonds authorized by this section and the income therefrom shall be exempt from all taxation in the State of Mississippi; however, any lessee or purchaser shall not be exempt from ad valorem taxes on industrial sites and improvements thereon unless otherwise provided by the general laws of this state, and purchases required to establish the project and financed by bond proceeds shall not be exempt from taxation in the State of Mississippi.

(5) Economic development districts established under this section are authorized and empowered:

(a) To sell, lease, trade, exchange or otherwise dispose of industrial sites or rail lines situated within industrial parks to individuals, firms or corporations, public or private, for industrial and warehouse use, as well as the Mississippi Military Department or Mississippi National Guard for military use, upon such terms and conditions, and for such considerations, with such safeguards as will best promote and protect the public interest, convenience and necessity, and to execute deeds, leases, contracts, easements and other legal instruments necessary or convenient therefor. Any industrial lease may be executed by the district upon such terms and conditions and for such monetary rental or other considerations as

may be found to be in the best interest of the public, upon an order or resolution being spread upon the minutes of the district authorizing same.

(b) To sue and be sued in their own name.

(c) To fix and prescribe fees, charges and rates for the use of any water, sewerage, pollution control or other facilities constructed and operated in connection with an industrial park or parks and to collect same from persons, firms and corporations using the same for industrial, warehouse and related purposes and are further empowered to deny or terminate such services for nonpayment of said fees, charges or rates by the users of said services.

(d) To employ engineers, attorneys, accountants, consultants, licensed real estate brokers and appraisers, and such executive and administrative personnel as shall be reasonably necessary to carry out the duties and authority authorized by this section with funds available for such purposes. Such districts may also contribute money directly to the development and cost of operation of any industrial development foundation or other private economic development group in the county.

(6) Any county board of supervisors authorized to issue bonds under this section is hereby authorized, either separately or jointly with the governing authority of any municipality within the county, to acquire, enlarge, expand, renovate or improve an existing building or buildings located in the county or

municipality and to issue bonds for such purpose in the manner provided by this section.

(7) Economic development districts established under the provisions of a local and private act enacted before July 1, 1997, are authorized and empowered to employ engineers, attorneys, accountants, consultants, licensed real estate brokers and appraisers, and such executive and administrative personnel as shall be reasonably necessary to carry out the duties and authority authorized by this section, or by such local and private act, with funds available for such purposes.

(8) The enumeration of any specific rights and powers contained in this section where followed by general powers shall not be construed in a restrictive sense, but rather in as broad and comprehensive a sense as possible to effectuate the purposes of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1474

Description: James Plemon "J.P." Coleman Memorial Highway; designate segment of MS Hwy 759 in City of Ackerman as.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Transportation
2	01/31	(H) Title Suff Do Pass Comm Sub
3	02/13	(H) Committee Substitute Adopted
4	02/13	(H) Passed {Vote}
5	02/13	(H) Motion to Reconsider Entered (Busby, Massengill)
6	02/18	(H) Motion to Reconsider Tabled
7	02/19	(H) Transmitted To Senate
8	02/26	(S) Referred To Highways and Transportation
9	03/05	(S) Title Suff Do Pass
10	03/06	(S) Passed {Vote}
11	03/07	(S) Returned For Enrolling
12	03/08	(H) Enrolled Bill Signed
13	03/11	(S) Enrolled Bill Signed
14	03/15	Approved by Governor

----- Additional Information -----

House Committee: Transportation
Senate Committee: Highways and Transportation

Principal Author: Hood

Title: AN ACT TO DESIGNATE MISSISSIPPI HIGHWAY 759 IN CHOCTAW COUNTY, MISSISSIPPI, IN THE CITY OF ACKERMAN AS THE "JAMES PLEMON 'J.P.' COLEMAN MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1474

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Hood To: Transportation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1474

AN ACT TO DESIGNATE MISSISSIPPI HIGHWAY 759 IN CHOCTAW COUNTY, MISSISSIPPI, IN THE CITY OF ACKERMAN AS THE "JAMES PLEMON 'J.P.' COLEMAN MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The segment of Mississippi Highway 759 in Choctaw County, Mississippi, located in the City of Ackerman, is designated as the "James Plemon 'J.P.' Coleman Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1477

Description: Cemeteries; authorize counties and municipalities to expend funds to maintain abandoned nonprofit cemeteries.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To County Affairs; Municipalities
2	02/04	(H) DR - TSDP: CA To MU
3	02/05	(H) DR - TSDP: MU To CA
4	02/05	(H) Title Suff Do Pass
5	02/13	(H) Passed {Vote}
6	02/15	(H) Transmitted To Senate
7	02/27	(S) Referred To Accountability, Efficiency, Transparency
8	03/04	(S) Title Suff Do Pass As Amended
9	03/07	(S) Amended
10	03/07	(S) Passed As Amended {Vote}
11	03/11	(S) Returned For Concurrence
12	03/12	(H) Concurred in Amend From Senate {Vote}
13	03/15	(H) Enrolled Bill Signed
14	03/15	(S) Enrolled Bill Signed
15	03/21	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1477

Code Section: A 019-0007-0039, A 021-0037-0021

----- Additional Information -----

House Committee: County Affairs, Municipalities
Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Snowden
Additional Authors: Dixon

2019 GENERAL LAWS OF MISSISSIPPI HB 1477

Title: AN ACT TO AMEND SECTIONS 19-7-39 AND 21-37-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTIES AND MUNICIPALITIES, IN THEIR DISCRETION, TO EXPEND FUNDS FOR THE MAINTENANCE AND REPAIR OF ABANDONED PUBLIC AND PRIVATE NONPROFIT CEMETERIES; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1477

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Snowden, Dixon

To: County Affairs; Municipalities

HOUSE BILL NO. 1477
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 19-7-39 AND 21-37-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTIES AND MUNICIPALITIES, IN THEIR DISCRETION, TO EXPEND FUNDS FOR THE MAINTENANCE AND REPAIR OF ABANDONED PUBLIC AND PRIVATE NONPROFIT CEMETERIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 19-7-39, Mississippi Code of 1972, is amended as follows:

19-7-39. The board of supervisors of any county * * * is authorized, in its discretion, to maintain and repair any abandoned public or private nonprofit cemetery located within the county but located outside the corporate boundary of any municipality in the county. The expense of such maintenance may be paid from any available county funds. For the purposes of this section, the term "public or private nonprofit cemetery" includes an abandoned community, religious or fraternal cemetery; however, the term does not include family burial grounds or a for-profit perpetual care cemetery that is subject to Sections 41-43-31 through 41-43-57. "Abandoned cemetery" means a cemetery which

shows signs of neglect, including, without limitation, the unchecked growth of vegetation, repeated and unchecked acts of vandalism, or the disintegration of grave markers or boundaries and for which no person can be found who is legally responsible and financially capable of the upkeep of such cemetery.

The board of supervisors of any county is authorized to accept, in the name of the county, title by deed to any cemetery located within the county but located outside the corporate boundary of any municipality in the county which, due to age, abandonment of graves by private owners or for other good cause, is not being properly maintained or repaired and thereby have become detrimental to the public health and welfare. No acceptance of title by deed shall be valid unless a motion thereof shall be made at a regular or special meeting of the board, adopted by a majority of the board's membership, and entered upon the minutes. No county funds or other public funds shall be expended by the board for the purpose of purchasing such cemetery. The board shall have the power to maintain, repair, enlarge, fence or otherwise improve any cemetery, title to which has been accepted by the board.

SECTION 2. Section 21-37-21, Mississippi Code of 1972, is amended as follows:

21-37-21. The governing authorities of municipalities shall have the power and authority to maintain, repair, and enlarge all of the public cemeteries owned or controlled by such

municipalities, within or without the municipal limits, at the expense of the treasury of such municipality.

The governing authorities of a municipality, in its discretion, may maintain and repair any abandoned public or private nonprofit cemetery located within the corporate boundaries of the municipality. The expense of the maintenance of an abandoned public or private nonprofit cemetery may be paid from any available municipal funds. For the purposes of this section, the term "public or private nonprofit cemetery" includes an abandoned community, religious or fraternal cemetery; however, the term does not include family burial grounds or a for-profit perpetual care cemetery that is subject to Sections 41-43-31 through 41-43-57. "Abandoned cemetery" means a cemetery which shows signs of neglect, including, without limitation, the unchecked growth of vegetation, repeated and unchecked acts of vandalism, or the disintegration of grave markers or boundaries and for which no person can be found who is legally responsible and financially capable of the upkeep of such cemetery.

Should there be situated wholly within the corporate limits of any municipality a cemetery which, because of age, abandonment of graves by private owners, or for other good cause, is not being properly maintained, and thereby becomes detrimental to the public health and welfare, and should the governing authorities of that municipality determine that it is to the best interest of the * * * municipality that the municipality assume the

maintenance of such cemetery, then such governing authorities shall have the power and they are hereby authorized to acquire title to such cemetery by gift, purchase, eminent domain, or otherwise and are authorized to thereafter maintain, repair, enlarge, fence or otherwise improve such cemetery.

The governing authorities of any municipality having a population in excess of seven thousand five hundred (7,500) according to the latest available federal census and being located in a county having an area in excess of eight hundred twenty-five (825) square miles which is traversed by a link of the National System of Interstate and Defense Highways, may, in its discretion, appoint a cemetery board of trustees of not less than five (5) nor more than seven (7) members to serve for staggered terms of office with full power and authority to administer and operate its cemetery, including but not limited to authority for the establishment of a fund, from a portion of the proceeds from the sale of cemetery lots, to be held in trust and invested by * * * the trustees to the end of insuring perpetual care and maintenance of * * * the cemetery with the least possible tax levies. The municipal governing authorities and the trustees are authorized and empowered to promulgate and adopt reasonable rules and regulations, not inconsistent with law, deemed essential in carrying out the provisions of this section.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1519

Description: Nurses; authorize Board of Nursing to establish an alternative to discipline program for licensees with certain impairment.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Public Health and Human Services
2	01/31	(H) Title Suff Do Pass
3	02/07	(H) Passed {Vote}
4	02/08	(H) Transmitted To Senate
5	02/26	(S) Referred To Public Health and Welfare
6	03/05	(S) Title Suff Do Pass
7	03/12	(S) Passed {Vote}
8	03/13	(S) Returned For Enrolling
9	03/15	(H) Enrolled Bill Signed
10	03/15	(S) Enrolled Bill Signed
11	03/21	Approved by Governor

Code Section: A 073-0015-0029

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: Scoggin
Additional Authors: Currie, Sykes

Title: AN ACT TO AMEND SECTION 73-15-29, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI BOARD OF NURSING TO ESTABLISH AN ALTERNATIVE TO DISCIPLINE PROGRAM FOR NURSING LICENSEES WHO HAVE AN IMPAIRMENT AS A RESULT OF SUBSTANCE ABUSE OR A MENTAL HEALTH CONDITION, AND PRESCRIBE THE MINIMUM COMPONENTS OF THE PROGRAM; AND FOR RELATED PURPOSES.

(2) (a) The Department of Finance and Administration may transfer and convey to the Marion County Economic Development District certain real property located at Columbia Training School in Marion County, Mississippi. The real property contains approximately four hundred six (406) acres, more or less, lying North of Highway 44 and is more particularly described as follows:

Beginning at the Southwest corner of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi; thence run north along said section line a distance of 3,350 feet, more or less, to the south boundary of a parcel owned by The City of Columbia; thence run east a distance of 5,280 feet, more or less, to the east boundary of Section 22; thence run south along said section line a distance of 3,350 feet, more or less, to the southeast corner of Section 22; thence run west a distance of 5,280 feet, more or less, back to the Point of Beginning. Said parcel containing 406 acres, more or less, and being located in the South $^1/_2$ and the South $^1/_2$ of the North $^1/_2$ of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi.

(b) (i) The Marion County Economic Development District is authorized to transfer and convey without cost a certain portion of the real property described in paragraph (a) of this subsection (2) located at Columbia Training School in Marion

County, Mississippi, to the Board of Supervisors of Marion County for the purpose of law enforcement training. The real property contains approximately eighteen (18) acres, more or less, and is more particularly described as follows:

Commencing at a found concrete marker at the Southwest corner of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi; thence run along said section line North 00 degrees 04 minutes 43 seconds West a distance of 1,859.88 feet to the Point of Beginning of an easement described as follows: Thence continue North 00 degrees 04 minutes 43 seconds West a distance of 1,484.29 feet; thence run North 89 degrees 44 minutes 14 seconds East a distance of 1,060.04 feet, thence run South 35 degrees 23 minutes 33 seconds West a distance of 1,826.72 feet, back to the Point of Beginning; said easement containing 18.0 acres, more or less, and being located in the NW 1/4 of the SW 1/4 and the SW 1/4 of the NW 1/4 of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi.

(ii) The property transaction authorized in subparagraph (i) of this paragraph (b) shall not be subject to the monetary consideration requirements set forth in Section 19-5-99(5)(a). Additionally, the property transferred and conveyed under subparagraph (i) of this paragraph (b) shall not be

(h) Is addicted to or dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effect, or has misappropriated any medication;

(i) Has a physical, mental or emotional condition that renders the licensee unable to perform nursing services or duties with reasonable skill and safety;

(j) Has engaged in any other conduct, whether of the same or of a different character from that specified in this article, that would constitute a crime as defined in Title 97 of the Mississippi Code of 1972, as now or hereafter amended, and that relates to such person's employment as a registered nurse or licensed practical nurse;

(k) Engages in conduct likely to deceive, defraud or harm the public;

(l) Engages in any unprofessional conduct as identified by the board in its rules;

(m) Has violated any provision of this article; or

(n) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners. This paragraph shall stand repealed on July 1, 2020.

(2) When the board finds any person unqualified because of any of the grounds set forth in subsection (1) of this section, it

may enter an order imposing one or more of the following penalties:

(a) Denying application for a license or other authorization to practice nursing or practical nursing;

(b) Administering a reprimand;

(c) Suspending or restricting the license or other authorization to practice as a registered nurse or licensed practical nurse for up to two (2) years without review;

(d) Revoking the license or other authorization to practice nursing or practical nursing;

(e) Requiring the disciplinee to submit to care, counseling or treatment by persons and/or agencies approved or designated by the board as a condition for initial, continued or renewed licensure or other authorization to practice nursing or practical nursing;

(f) Requiring the disciplinee to participate in a program of education prescribed by the board as a condition for initial, continued or renewed licensure or other authorization to practice;

(g) Requiring the disciplinee to practice under the supervision of a registered nurse for a specified period of time; or

(h) Imposing a fine not to exceed Five Hundred Dollars ($500.00).

(3) In addition to the grounds specified in subsection (1) of this section, the board shall be authorized to suspend the license or privilege to practice of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license or privilege to practice for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license or privilege to practice suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license or privilege to practice suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(4) If the public health, safety or welfare imperatively requires emergency action and the board incorporates a finding to that effect in an order, the board may order summary suspension of a license pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined by the board.

(5) The board may establish by rule an alternative to discipline program for licensees who have an impairment as a result of substance abuse or a mental health condition, which program shall include at least the following components:

(a) Participation in the program is voluntary with the licensee, and the licensee must enter the program before the board holds a disciplinary action hearing regarding the licensee;

(b) The full cost of participation in the program, including the cost of any care, counseling, treatment and/or education received by the licensee, shall be borne by the licensee;

(c) All of the procedures and records regarding the licensee's participation in the program shall be confidential, shall not be disclosed and shall be exempt from the provisions of the Mississippi Public Records Act of 1983; and

(d) A licensee may not participate in the program more often than one (1) time during any period of five (5) years or such longer period as set by the board.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1533

Description: Columbia Training School Property; authorize Marion County Economic Development District to transfer portion to Bd. of Supv. of Marion County for law enforcement training.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Public Property
2	01/31	(H) Title Suff Do Pass
3	02/04	(H) Passed {Vote}
4	02/05	(H) Transmitted To Senate
5	02/26	(S) Referred To Public Property
6	02/27	(S) Title Suff Do Pass As Amended
7	03/11	(S) Amended
8	03/11	(S) Passed As Amended {Vote}
9	03/13	(S) Returned For Concurrence
10	03/14	(H) Concurred in Amend From Senate {Vote}
11	03/19	(H) Enrolled Bill Signed
12	03/19	(S) Enrolled Bill Signed
13	03/21	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1533

Code Section: A 043-0027-0039, BF 019-0005-0099

----- Additional Information -----

House Committee: Public Property
Senate Committee: Public Property

Principal Author: Morgan

Title: AN ACT TO AMEND SECTION 1, CHAPTER 386, LAWS OF 2017, AS AMENDED BY SECTION 3, CHAPTER 449, LAWS OF 2018, TO AUTHORIZE THE

MARION COUNTY ECONOMIC DEVELOPMENT DISTRICT TO TRANSFER AND CONVEY WITHOUT COST CERTAIN REAL PROPERTY LOCATED AT COLUMBIA TRAINING SCHOOL IN MARION COUNTY, MISSISSIPPI, TO THE BOARD OF SUPERVISORS OF MARION COUNTY FOR THE PURPOSE OF LAW ENFORCEMENT TRAINING; TO AUTHORIZE CERTAIN EXEMPTIONS REGARDING THE PURPOSES FOR WHICH THE PROPERTY TRANSFERRED AND CONVEYED MAY BE USED; TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO TRANSFER AND CONVEY CERTAIN REAL PROPERTY LOCATED AT COLUMBIA TRAINING SCHOOL IN MARION COUNTY, MISSISSIPPI, TO THE MARION COUNTY ECONOMIC DEVELOPMENT DISTRICT FOR THE PURPOSE OF PROVIDING UNOBSTRUCTED ACCESS FOR THE INDUSTRIAL DEVELOPMENT OF THE MARION COUNTY AIRPLEX; TO AMEND SECTION 43-27-39, MISSISSIPPI CODE OF 1972, TO CONFORM; TO BRING FORWARD SECTION 19-5-99, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE ESTABLISHMENT OF ECONOMIC DEVELOPMENT DISTRICTS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representative Morgan To: Public Property

HOUSE BILL NO. 1533
(As Sent to Governor)

AN ACT TO AMEND SECTION 1, CHAPTER 386, LAWS OF 2017, AS AMENDED BY SECTION 3, CHAPTER 449, LAWS OF 2018, TO AUTHORIZE THE MARION COUNTY ECONOMIC DEVELOPMENT DISTRICT TO TRANSFER AND CONVEY WITHOUT COST CERTAIN REAL PROPERTY LOCATED AT COLUMBIA TRAINING SCHOOL IN MARION COUNTY, MISSISSIPPI, TO THE BOARD OF SUPERVISORS OF MARION COUNTY FOR THE PURPOSE OF LAW ENFORCEMENT TRAINING; TO AUTHORIZE CERTAIN EXEMPTIONS REGARDING THE PURPOSES FOR WHICH THE PROPERTY TRANSFERRED AND CONVEYED MAY BE USED; TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO TRANSFER AND CONVEY CERTAIN REAL PROPERTY LOCATED AT COLUMBIA TRAINING SCHOOL IN MARION COUNTY, MISSISSIPPI, TO THE MARION COUNTY ECONOMIC DEVELOPMENT DISTRICT FOR THE PURPOSE OF PROVIDING UNOBSTRUCTED ACCESS FOR THE INDUSTRIAL DEVELOPMENT OF THE MARION COUNTY AIRPLEX; TO AMEND SECTION 43-27-39, MISSISSIPPI CODE OF 1972, TO CONFORM; TO BRING FORWARD SECTION 19-5-99, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE ESTABLISHMENT OF ECONOMIC DEVELOPMENT DISTRICTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 1, Chapter 386, Laws of 2017, as amended by Section 3, Chapter 449, Laws of 2018, is amended as follows:

Section 1. (1) The Department of Finance and Administration may transfer and convey to the Columbia-Marion County Airport Authority certain real property located at Columbia Training School in Marion County, Mississippi. The real property contains

approximately two hundred four (204) acres, more or less, lying North of Highway 44 and is more particularly described as follows:

Commencing at the Southwest corner of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi; thence run north along said section line a distance of 3,350 feet, more or less, to the south boundary of a parcel owned by The City of Columbia; thence continue to run along parcel boundary east a distance of 1,320 feet, more or less, thence continue to run along said City of Columbia parcel boundary north a distance of 1,612 feet, more or less, to the Point of Beginning; thence run N 61°40'00" E a distance of 4,470 feet, more or less, to the east boundary of Section 15; thence run along said Section line north a distance of 2,954 feet, more or less; thence leaving said Section line run S 48°06'08" W a distance of 5,296 feet, more or less, to the east boundary of a parcel owned by The City of Columbia; thence run along said boundary South a distance of 1,539 feet, more or less, back to the Point of Beginning. Said parcel containing 204 acres, more or less, and being located in the South $^{1}/_{2}$ and the NE $^{1}/_{4}$ of Section 15, Township 4 North, Range 18 West, Marion County, Mississippi, and the NE $^{1}/_{4}$ of the NW $^{1}/_{4}$ of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi.

(2) (a) The Department of Finance and Administration may transfer and convey to the Marion County Economic Development District certain real property located at Columbia Training School in Marion County, Mississippi. The real property contains approximately four hundred six (406) acres, more or less, lying North of Highway 44 and is more particularly described as follows:

Beginning at the Southwest corner of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi; thence run north along said section line a distance of 3,350 feet, more or less, to the south boundary of a parcel owned by The City of Columbia; thence run east a distance of 5,280 feet, more or less, to the east boundary of Section 22; thence run south along said section line a distance of 3,350 feet, more or less, to the southeast corner of Section 22; thence run west a distance of 5,280 feet, more or less, back to the Point of Beginning. Said parcel containing 406 acres, more or less, and being located in the South $^{1}/_{2}$ and the South $^{1}/_{2}$ of the North $^{1}/_{2}$ of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi.

(b) (i) The Marion County Economic Development District is authorized to transfer and convey without cost a certain portion of the real property described in paragraph (a) of this subsection (2) located at Columbia Training School in Marion

County, Mississippi, to the Board of Supervisors of Marion County for the purpose of law enforcement training. The real property contains approximately eighteen (18) acres, more or less, and is more particularly described as follows:

Commencing at a found concrete marker at the Southwest corner of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi; thence run along said section line North 00 degrees 04 minutes 43 seconds West a distance of 1,859.88 feet to the Point of Beginning of an easement described as follows: Thence continue North 00 degrees 04 minutes 43 seconds West a distance of 1,484.29 feet; thence run North 89 degrees 44 minutes 14 seconds East a distance of 1,060.04 feet, thence run South 35 degrees 23 minutes 33 seconds West a distance of 1,826.72 feet, back to the Point of Beginning; said easement containing 18.0 acres, more or less, and being located in the NW 1/4 of the SW 1/4 and the SW 1/4 of the NW 1/4 of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi.

(ii) The property transaction authorized in subparagraph (i) of this paragraph (b) shall not be subject to the monetary consideration requirements set forth in Section 19-5-99(5)(a). Additionally, the property transferred and conveyed under subparagraph (i) of this paragraph (b) shall not be

subject to the use restrictions set forth in Section 19-5-99(5)(a) and in subsection (3) of this section.

(3) The aggregate of parcels described in subsections (1) and (2) of this section consists of six hundred ten (610) acres, more or less, of the Columbia Training School Property, which the entirety of such section whereon the named property is situated consists of one thousand eight hundred twenty-three (1,823) acres, more or less. Except as otherwise provided in subsection (2)(b) of this section, the remaining property transferred and conveyed under subsections (1) and (2) of this section shall only be used to make improvements to the Marion County Airport and to construct an adjacent industrial park or other aviation-related facility.

(4) The State of Mississippi shall retain any mineral rights to the property transferred and conveyed under subsections (1) and (2) of this section. The Department of Finance and Administration shall have the authority to correct any discrepancies in the property descriptions provided in subsections (1) and (2) of this section.

(5) (a) The parcels of property conveyed under this section must be conveyed to the Columbia-Marion County Airport Authority and to the Marion County Economic Development District without any assumption of liability or financial responsibility by the State of Mississippi for any known or unknown environmental defects contained thereon. Upon receipt of the deed of title to the property, the respective recipients, in their individual

capacities, shall indemnify the State of Mississippi for any damage, injury or loss.

(b) The Columbia-Marion County Airport Authority and the Marion County Economic Development District shall provide the Mississippi Department of Human Services six (6) months to harvest and sell any timber located on the property transferred using a company of the department's preference prior to any improvement or development being made on the property by such entities, the revenue generated from which shall be deposited into the State Treasury and earmarked for use by the Department of Human Services for all administrative and program purposes deemed necessary by the executive director. Upon harvesting the timber upon the property within the time specified in this paragraph, the department shall forfeit all future rights to any timber remaining on or regrown on the property, as well as any right of easement for accessing the land.

(6) The Columbia-Marion County Airport Authority and the Marion County Economic Development District shall each grant the Department of Human Services an easement of ingress and egress to access the remaining parcels of property retained by the Department of Human Services if reasonable access to such remaining parcels is not otherwise available.

SECTION 2. Chapter 386, Laws of 2017, as amended by Section 3, Chapter 449, Laws of 2018, is amended as follows:

Section 2. (1) The Department of Finance and Administration, acting on behalf of the Mississippi Department of Human Services, is authorized to transfer and convey to the Marion County Economic Development District certain real property located at Columbia Training School in Marion County, Mississippi, for the purpose of providing unobstructed access for the industrial development of the Marion County AirPlex on the property transferred under subsection (2)(a) of Section 1 of this chapter. The real property contains approximately forty (40) acres, more or less, and is more particularly described as follows:

Beginning at a found concrete monument at the Southeast corner of Section 21, Township 4 North, Range 18 West, Marion County, Mississippi, and run westerly along the southern boundary of Section 21 for a distance of 975.58 feet, more or less, to the easternmost right-of-way line of Airport Road. Thence run in a southeasterly direction along said right-of-way line the following calls; run along a curve to the right having an arc length of 261.47 feet, a radius of 735.00 feet, a chord distance of 260.09 feet, and a chord bearing of South 31 degrees 52 minutes 25 seconds East; thence continue along said right-of-way line South 21 degrees 40 minutes 56 seconds East a distance of 1,480.92 feet; thence leaving said right-of-way line run North 43 degrees 58 minutes 36 seconds East a distance of 2,219.24 feet,

more or less, to the north boundary line of Section 27; thence run westerly along said north boundary line of Section 27 for a distance of 1,249.87 feet back to the Point of Beginning. Said parcel containing 40.0 acres, more or less, and being located in the SE 1/4 of the NE 1/4 of Section 28 and the NE 1/4 of the NE 1/4 of Section 28 and the SE 1/4 of the NE 1/4 of Section 28 and the NW 1/4 of the NW 1/4 of Section 27, Township 4 North, Range 18 West, Marion County, Mississippi.

(2) The State of Mississippi shall retain any mineral rights to the property transferred and conveyed under subsection (1) of this section. The Department of Finance and Administration shall have the authority to correct any discrepancies in the property descriptions provided in subsection (1) of this section.

(3) The parcels of property conveyed under this section must be conveyed to the Marion County Economic Development District without any assumption of liability or financial responsibility by the State of Mississippi for any known or unknown environmental defects contained thereon. Upon receipt of the deed of title to the property, the Marion County Economic Development District shall indemnify the State of Mississippi for any damage, injury or loss.

SECTION 3. Section 43-27-39, Mississippi Code of 1972, is amended as follows:

43-27-39. (1) The purpose of this section is to ensure that Mississippi's juvenile justice system is cost-efficient and effective at reducing juvenile crime and to create a continuum of options for Mississippi's youth court judges so that they are better equipped to protect our communities and to care for our children.

(2) The Columbia Training School shall no longer operate as a secure training school for juvenile delinquents. All youth, both male and female, committed to the custody of the Department of Human Services and adjudicated to training school shall be housed at the Oakley Youth Development Center. The Oakley Youth Development Center shall provide gender-specific treatment for youth who are adjudicated delinquent.

(3) Any portion of Columbia Training School property and facilities described in Section 1 of Chapter 553, Laws of 2012, may be conveyed or transferred to the Board of Supervisors of Marion County, Mississippi.

(4) Any portion of Columbia Training School property and facilities described in Section 2 of Chapter 386, Laws of 2017, may be conveyed or transferred to the Marion County Economic Development District for the purposes prescribed under that section.

SECTION 4. Section 19-5-99, Mississippi Code of 1972, is brought forward as follows:

19-5-99. (1) Subject to the provisions of Section 19-9-111, the board of supervisors of any county in the State of Mississippi, in its discretion, by order duly entered on its minutes, may establish economic development districts comprising all of the county, or one or more supervisors districts of the county, or may establish such economic development districts in cooperation with one or more other counties or with municipalities or with other local and private economic development groups. The board of supervisors may do everything within its power to secure and further industrial development of the county or counties or district, to advertise the natural resources and possibilities of the same, and to maintain and support the same.

All monies collected for the support and maintenance of such economic development district, in accordance with the tax levy provided in Section 19-9-111, shall be placed in the county treasury to the credit of the county or district economic development fund and shall be expended as other public funds are expended, and in which event the employees of such economic development district shall be employees of the county and considered as such. In addition to such funds provided by taxation, the board of supervisors of such county may accept gifts, gratuities and donations from municipalities in such districts and from any persons, firms or corporations desiring to make such donations. Such appropriation, gift or donation shall

also be placed in the county treasury and be expended in the support and maintenance of such district.

At the option of such board of supervisors, or boards of supervisors if more than one (1) county is embraced in such economic development district, it may provide for the management of such economic development district by appointing not more than twenty-five (25) nor less than five (5) trustees, or if a multicounty district not more than five (5) trustees per participating county, who shall be qualified electors residing within such economic development district, to manage the affairs of such district, and in which event the funds made available by the county or counties for the support and maintenance of such economic development district may be expended by a majority vote of such trustees so appointed to manage such economic development district. Each trustee who is an officer of the economic development district shall qualify by giving bond, with sufficient surety, to be payable, conditioned and approved as provided by law, in a penalty equal to Fifty Thousand Dollars ($50,000.00), the premiums on all such surety bonds being paid by such economic development district. If this option is exercised and such districts operated and maintained under this paragraph, then in such event the employees of such economic development district shall not be considered as employees of the county for state retirement or any other purposes.

All funds secured and expended under the provisions of this section shall be public funds and the Auditor of Public Accounts of the State of Mississippi shall audit the same as other public funds are now audited.

Notwithstanding any provision of this section to the contrary, the board of supervisors of a county having therein an economic development district established under this section or any other law and the governing authorities of any municipality located within the economic development district in such county may enter into a contract providing for the contribution of funds by the municipality or other local and private economic development groups to the economic development district and providing for the appointment by the municipal governing authorities or other local and private economic development groups of a number of trustees, as determined by the parties to the contract, to assist in the management of the district. In like manner, any economic or industrial development foundation or private economic development group may enter into a contract with the board of supervisors of the county or jointly with the board of supervisors of the county and municipal governing authorities providing for the contribution of funds by the economic or industrial development foundation or private economic development group to the economic development district and providing for the appointment by the officials or governing board of the foundation

of a number of trustees, as determined by the parties to the contract, to assist in the management of the district.

(2) Any economic development district established under this section may, when suitable office space is not otherwise available, purchase and acquire title to real estate within the district and make any improvements thereon to provide the office space it considers necessary for efficient operation of such district. Provided, however, that no contract or agreement for the exclusive listing, sale or representation for sale of publicly owned property shall be entered into by such economic development districts with any real estate broker or brokers.

(3) (a) Any economic development district established under this section shall have the authority to acquire by gift, purchase or otherwise, and to own, hold, maintain, control and develop real estate situated within the county or counties comprising such district for the development, use and operation of industrial parks or other industrial development purposes. The district is further authorized and empowered to engage in works of internal improvement therefor including, but not limited to, construction or contracting for the construction of streets, roads, railroads, spur tracks, site improvements, water, sewerage, drainage, pollution control and other related facilities necessary or required for industrial development purposes or the development of industrial park complexes; to acquire, purchase, install, lease, construct, own, hold, equip, control, maintain, use, operate and

repair other structures and facilities necessary and convenient for the planning, development, use, operation and maintenance of an industrial park or parks or for other industrial development purposes, including, but not limited to, utility installations, elevators, compressors, warehouses, buildings and air, rail and other transportation terminals and pollution control facilities.

(b) Contracts for the construction, improvement, equipping or furnishing of an industrial site and improvements thereon as authorized in this section shall be entered into upon the basis of public bidding under Section 31-7-1 et seq.

(4) For the development of such projects, the board of supervisors of any county that establishes an economic development district under this section or that establishes an economic development district in cooperation with one or more other counties, or municipalities or other local and private economic groups, may, upon receipt of a resolution duly adopted by the trustees of such district, issue, secure and manage its bonds in the manner prescribed by Sections 19-9-5, 19-9-7, 19-9-9, 19-9-11, 19-9-13, 19-9-15, 19-9-17, 19-9-19, 19-9-21, 19-9-23, 19-9-25 and 19-9-29. Such bonds shall be sold in accordance with the provisions of Section 31-19-25. The full faith, credit and resources of the county shall be irrevocably pledged for the payment of the principal of and interest on the bonds issued under this section. Any income derived from the sale or lease of the property authorized to be acquired under this section shall be

applied in one or more of the following manners: (a) the retirement of bonds authorized to be issued under this section; (b) further improvement or development of such industrial parks or other related industrial development activities; or (c) payment into the general fund of the county to be used for any lawful purpose. Any amounts so paid into the general fund shall be included in the computation of total receipts and subject to the restrictions of Section 27-39-321. The board of supervisors may covenant with or for the benefit of the registered owners of any bonds issued under this section with respect to the application of any or all of such income and shall, by resolution adopted before or promptly after receipt of any such income, determine, in its discretion subject only to the restrictions set forth above and any covenants made to or for the benefit of any registered owners of bonds issued under this section, the manner in which such income shall be applied.

The bonds authorized by this section and the income therefrom shall be exempt from all taxation in the State of Mississippi; however, any lessee or purchaser shall not be exempt from ad valorem taxes on industrial sites and improvements thereon unless otherwise provided by the general laws of this state, and purchases required to establish the project and financed by bond proceeds shall not be exempt from taxation in the State of Mississippi.

(5) Economic development districts established under this section are authorized and empowered:

(a) To sell, lease, trade, exchange or otherwise dispose of industrial sites or rail lines situated within industrial parks to individuals, firms or corporations, public or private, for industrial and warehouse use upon such terms and conditions, and for such considerations, with such safeguards as will best promote and protect the public interest, convenience and necessity, and to execute deeds, leases, contracts, easements and other legal instruments necessary or convenient therefor. Any industrial lease may be executed by the district upon such terms and conditions and for such monetary rental or other considerations as may be found to be in the best interest of the public, upon an order or resolution being spread upon the minutes of the district authorizing same.

(b) To sue and be sued in their own name.

(c) To fix and prescribe fees, charges and rates for the use of any water, sewerage, pollution control or other facilities constructed and operated in connection with an industrial park or parks and to collect same from persons, firms and corporations using the same for industrial, warehouse and related purposes and are further empowered to deny or terminate such services for nonpayment of said fees, charges or rates by the users of said services.

(d) To employ engineers, attorneys, accountants, consultants, licensed real estate brokers and appraisers, and such executive and administrative personnel as shall be reasonably necessary to carry out the duties and authority authorized by this section with funds available for such purposes. Such districts may also contribute money directly to the development and cost of operation of any industrial development foundation or other private economic development group in the county.

(6) Any county board of supervisors authorized to issue bonds under this section is hereby authorized, either separately or jointly with the governing authority of any municipality within the county, to acquire, enlarge, expand, renovate or improve an existing building or buildings located in the county or municipality and to issue bonds for such purpose in the manner provided by this section.

(7) Economic development districts established under the provisions of a local and private act enacted before July 1, 1997, are authorized and empowered to employ engineers, attorneys, accountants, consultants, licensed real estate brokers and appraisers, and such executive and administrative personnel as shall be reasonably necessary to carry out the duties and authority authorized by this section, or by such local and private act, with funds available for such purposes.

(8) The enumeration of any specific rights and powers contained in this section where followed by general powers shall

not be construed in a restrictive sense, but rather in as broad and comprehensive a sense as possible to effectuate the purposes of this section.

SECTION 5. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1540

Description: Contracts for collection of city/county solid wastes; authorize to extend without advertising for proposals under certain circumstances.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To County Affairs
2	02/04	(H) Title Suff Do Pass Comm Sub
3	02/12	(H) Committee Substitute Adopted
4	02/12	(H) Passed {Vote}
5	02/14	(H) Transmitted To Senate
6	02/27	(S) Referred To Accountability, Efficiency, Transparency
7	03/04	(S) Title Suff Do Pass As Amended
8	03/07	(S) Amended
9	03/07	(S) Passed As Amended {Vote}
10	03/11	(S) Returned For Concurrence
11	03/12	(H) Concurred in Amend From Senate {Vote}
12	03/15	(H) Enrolled Bill Signed
13	03/15	(S) Enrolled Bill Signed
14	03/21	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1540

Code Section: A 017-0017-0005

----- Additional Information -----

House Committee: County Affairs
Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Byrd
Additional Authors: Faulkner

2019 GENERAL LAWS OF MISSISSIPPI HB 1540

Title: AN ACT TO AMEND SECTION 17-17-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE BOARDS OF SUPERVISORS AND MUNICIPAL GOVERNING AUTHORITIES TO EXTEND CERTAIN CONTRACTS RELATED TO SOLID WASTES IN ONE-YEAR INCREMENTS FOR AN ADDITIONAL FOUR YEARS WITHOUT ADVERTISING FOR PROPOSALS, AS LONG AS RATE ADJUSTMENT REMAIN CONSISTENT WITH THE EXISTING CONTRACT AND THE TOTAL TERM OF THE CONTRACT DOES NOT EXCEED TEN YEARS; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1540

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Byrd, Faulkner To: County Affairs

HOUSE BILL NO. 1540
(As Sent to Governor)

AN ACT TO AMEND SECTION 17-17-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE BOARDS OF SUPERVISORS AND MUNICIPAL GOVERNING AUTHORITIES TO EXTEND CERTAIN CONTRACTS RELATED TO SOLID WASTES IN ONE-YEAR INCREMENTS FOR AN ADDITIONAL FOUR YEARS WITHOUT ADVERTISING FOR PROPOSALS, AS LONG AS RATE ADJUSTMENT REMAIN CONSISTENT WITH THE EXISTING CONTRACT AND THE TOTAL TERM OF THE CONTRACT DOES NOT EXCEED TEN YEARS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 17-17-5, Mississippi Code of 1972, is amended as follows:

17-17-5. (1) After December 31, 1992, the board of supervisors and/or municipal governing body shall provide for the collection and disposal of garbage and the disposal of rubbish. The board of supervisors and/or municipal governing body may provide such collection or disposal services by contract with private or other controlling agencies, and the service may include house-to-house service or the placement of regularly serviced and controlled bulk refuse receptacles within reasonable distance from the farthest affected household, and the wastes disposed of in a manner acceptable to the department and within the meaning of this

chapter. The board of supervisors and/or municipal governing body * * * may enter into contracts related in any manner to the collection and transportation of solid wastes for a term of up to six (6) years * * *; however, for such contracts executed on or after July 1, 2019, the board of supervisors and/or municipal governing body may have the option to extend the contract by mutual consent of the parties in one-year increments up to four (4) additional years without advertising for proposals, as long as rate adjustments remain consistent with the existing contract and the total term of the contract does not exceed ten (10) years. The board of supervisors and/or municipal governing body may enter into contracts related in any manner to the generation and sale of energy generated from solid waste, and contracts for treatment, processing, distribution, recycling, elimination or disposal of solid wastes for a term of up to thirty (30) years. The municipal governing body of any municipality is authorized to regulate the disposal of garbage and rubbish in sanitary landfills, as provided in Section 21-19-1, Mississippi Code of 1972.

(2) In the event an unincorporated area which is annexed by a municipality is being provided collection and disposal of garbage and rubbish under contract with private or other controlling agencies, the municipality shall annex the area subject to the contract for the remainder of the term of the contract, but not to exceed five (5) years.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1581

Description: Firearms; clarify that courtroom includes a judge's chamber, witness room and jury room.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(H) Referred To Judiciary B
2	02/05	(H) Title Suff Do Pass Comm Sub
3	02/13	(H) Committee Substitute Adopted
4	02/13	(H) Amended
5	02/13	(H) Passed As Amended {Vote}
6	02/13	(H) Motion to Reconsider Entered (Baria, Cockerham, Bailey)
7	02/14	(H) Motion to Reconsider Tabled
8	02/15	(H) Transmitted To Senate
9	02/26	(S) Referred To Judiciary, Division A
10	03/05	(S) Title Suff Do Pass
11	03/06	(S) Passed {Vote}
12	03/07	(S) Returned For Enrolling
13	03/08	(H) Enrolled Bill Signed
14	03/11	(S) Enrolled Bill Signed
15	03/15	Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote

Code Section: A 097-0037-0007

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Judiciary, Division A

Principal Author: Cockerham
Additional Authors: White, Sykes, Faulkner

2019 GENERAL LAWS OF MISSISSIPPI HB 1581

Title: AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT COURTROOM INCLUDES A JUDGE'S CHAMBER, WITNESS ROOM AND JURY ROOM, FOR PURPOSES OF CONCEALED CARRY; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI HB 1581

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Cockerham, White, Sykes, Faulkner

To: Judiciary B

HOUSE BILL NO. 1581
(As Passed the House)

AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT COURTROOM INCLUDES A JUDGE'S CHAMBER, WITNESS ROOM AND JURY ROOM, FOR PURPOSES OF CONCEALED CARRY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-37-7, Mississippi Code of 1972, is amended as follows:

97-37-7. (1) (a) It shall not be a violation of Section 97-37-1 or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by duly constituted bank guards, company guards, watchmen, railroad special agents or duly authorized representatives who are not sworn law enforcement officers, agents or employees of a patrol service, guard service, or a company engaged in the business of transporting money, securities or other valuables, while actually engaged in the performance of their duties as such, provided that such persons have made a written application and paid a nonrefundable permit fee of One Hundred Dollars ($100.00) to the Department of Public Safety.

(b) No permit shall be issued to any person who has ever been convicted of a felony under the laws of this or any other state or of the United States. To determine an applicant's eligibility for a permit, the person shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. The department shall charge a fee which includes the amounts required by the Federal Bureau of Investigation and the department for the national and state criminal history record checks and any necessary costs incurred by the department for the handling and administration of the criminal history background checks. In the event a legible set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of three (3) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway Safety Patrol and a Federal Bureau of Investigation name check conducted by the Mississippi Highway Safety Patrol at the request of the Department of Public Safety.

(c) A person may obtain a duplicate of a lost or destroyed permit upon payment of a Fifteen Dollar ($15.00) replacement fee to the Department of Public Safety, if he furnishes a notarized statement to the department that the permit has been lost or destroyed.

(d) (i) No less than ninety (90) days prior to the expiration date of a permit, the Department of Public Safety shall mail to the permit holder written notice of expiration together with the renewal form prescribed by the department. The permit holder shall renew the permit on or before the expiration date by filing with the department the renewal form, a notarized affidavit stating that the permit holder remains qualified, and the renewal fee of Fifty Dollars ($50.00); honorably retired law enforcement officers shall be exempt from payment of the renewal fee. A permit holder who fails to file a renewal application on or before its expiration date shall pay a late fee of Fifteen Dollars ($15.00).

(ii) Renewal of the permit shall be required every four (4) years. The permit of a qualified renewal applicant shall be renewed upon receipt of the completed renewal application and appropriate payment of fees.

(iii) A permit cannot be renewed six (6) months or more after its expiration date, and such permit shall be deemed to be permanently expired; the holder may reapply for an original permit as provided in this section.

(2) It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by Department of Wildlife, Fisheries and Parks law enforcement officers, railroad special agents who are sworn law enforcement officers, investigators employed by the Attorney

General, criminal investigators employed by the district attorneys, all prosecutors, public defenders, investigators or probation officers employed by the Department of Corrections, employees of the State Auditor who are authorized by the State Auditor to perform investigative functions, or any deputy fire marshal or investigator employed by the State Fire Marshal, while engaged in the performance of their duties as such, or by fraud investigators with the Department of Human Services, or by judges of the Mississippi Supreme Court, Court of Appeals, circuit, chancery, county, justice and municipal courts, or by coroners. Before any person shall be authorized under this subsection to carry a weapon, he shall complete a weapons training course approved by the Board of Law Enforcement Officer Standards and Training. Before any criminal investigator employed by a district attorney shall be authorized under this section to carry a pistol, firearm or other weapon, he shall have complied with Section 45-6-11 or any training program required for employment as an agent of the Federal Bureau of Investigation. A law enforcement officer, as defined in Section 45-6-3, shall be authorized to carry weapons in courthouses in performance of his official duties. A person licensed under Section 45-9-101 to carry a concealed pistol, who (a) has voluntarily completed an instructional course in the safe handling and use of firearms offered by an instructor certified by a nationally recognized organization that customarily offers firearms training, or by any

other organization approved by the Department of Public Safety, (b) is a member or veteran of any active or reserve component branch of the United States of America Armed Forces having completed law enforcement or combat training with pistols or other handguns as recognized by such branch after submitting an affidavit attesting to have read, understand and agree to comply with all provisions of the enhanced carry law, or (c) is an honorably retired law enforcement officer or honorably retired member or veteran of any active or reserve component branch of the United States of America Armed Forces having completed law enforcement or combat training with pistols or other handguns, after submitting an affidavit attesting to have read, understand and agree to comply with all provisions of Mississippi enhanced carry law shall also be authorized to carry weapons in courthouses except in courtrooms during a judicial proceeding, and any location listed in subsection (13) of Section 45-9-101, except any place of nuisance as defined in Section 95-3-1, any police, sheriff or highway patrol station or any detention facility, prison or jail. For the purposes of this subsection (2), component branch of the United States Armed Forces includes the Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army National Guard, the Army National Guard of the United States, the Air National Guard or the Air National Guard of the United States, as those terms are defined in Section 101, Title 10, United States Code, and any other reserve component of the United States Armed

Forces enumerated in Section 10101, Title 10, United States Code. The department shall promulgate rules and regulations allowing concealed pistol permit holders to obtain an endorsement on their permit indicating that they have completed the aforementioned course and have the authority to carry in these locations. This section shall in no way interfere with the right of a trial judge to restrict the carrying of firearms in the courtroom.

For purposes of this subsection (2), the following words shall have the meanings described herein, unless the context otherwise requires:

(i) "Courthouse" means any building in which a circuit court, chancery court, youth court, municipal court, justice court or any appellate court is located, or any building in which a court of law is regularly held.

(ii) "Courtroom" means the actual room in which a judicial proceeding occurs, including any jury room, witness room, judge's chamber, office housing the judge's staff, or similar room. "Courtroom" shall not mean hallways, courtroom entrances, courthouse grounds, lobbies, corridors, or other areas within a courthouse which are generally open to the public for the transaction of business outside of an active judicial proceeding, the grassed areas, cultivated flower beds, sidewalks, parking lots, or other areas contained within the boundaries of the public land upon which the courthouse is located.

(3) It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons, to be carried by any out-of-state, full-time commissioned law enforcement officer who holds a valid commission card from the appropriate out-of-state law enforcement agency and a photo identification. The provisions of this subsection shall only apply if the state where the out-of-state officer is employed has entered into a reciprocity agreement with the state that allows full-time commissioned law enforcement officers in Mississippi to lawfully carry or possess a weapon in such other states. The Commissioner of Public Safety is authorized to enter into reciprocal agreements with other states to carry out the provisions of this subsection.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

House Bill 1699

Description: Income tax; provide for method of apportioning income of certain medical laboratory service businesses.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: January 1, 2019

History of Actions:

1	02/25	(H) Referred To Ways and Means
2	02/26	(H) Title Suff Do Pass
3	02/26	(H) Passed {Vote}
4	02/27	(H) Transmitted To Senate
5	02/28	(S) Referred To Finance
6	03/06	(S) Title Suff Do Pass
7	03/07	(S) Passed {Vote}
8	03/11	(S) Returned For Enrolling
9	03/12	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/19	Approved by Governor

Code Section: A 027-0007-0023

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Smith
Additional Authors: Sykes

Title: AN ACT TO PROVIDE FOR THE METHOD OF APPORTIONMENT OF INCOME FOR INCOME TAX PURPOSES OF A MAJOR MEDICAL LABORATORY SERVICE BUSINESS; TO AMEND SECTION 27-7-23, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Representatives Smith, Sykes To: Ways and Means

HOUSE BILL NO. 1699

AN ACT TO PROVIDE FOR THE METHOD OF APPORTIONMENT OF INCOME FOR INCOME TAX PURPOSES OF A MAJOR MEDICAL LABORATORY SERVICE BUSINESS; TO AMEND SECTION 27-7-23, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 27-7-24.9, Mississippi Code of 1972:

27-7-24.9. (1) For purposes of the income tax imposed by this chapter, a major medical laboratory service business whose business activity is taxable both within and without this state shall apportion its business income (income which is includable in the apportionable tax base) to this state by multiplying such income by an apportionment percentage determined in accordance with this section.

(2) The net business income which has not been allocated, directly assigned or excluded shall be apportioned to Mississippi by multiplying such business income by a single sales factor. The sales factor is a fraction, the numerator of which is the receipts from medical laboratory services and other receipts of the

taxpayer in this state during the taxable year, and the denominator of which is the total receipts of the taxpayer within and without this state during the taxable year.

(3) (a) Receipts attributable to medical laboratory services are determined to be within Mississippi if the medical laboratory services are provided on behalf of an individual or patient whose service address is located in this state at the time the service is performed.

(b) Receipts attributable to medical laboratory services performed in this state shall be thrown back and sourced to this state if, pursuant to the patient service address rule in paragraph (a) of this subsection (3):

(i) The receipts are sourced to a state or local jurisdiction in which the taxpayer is not subject to an income or gross receipts tax (other than a general sales tax) during a given taxable year, or

(ii) The company is subject to an income or gross receipts tax in another state or local jurisdiction but the laws of that jurisdiction do not source such receipts to that jurisdiction.

For purposes of this paragraph (b), a company shall be considered taxable in another state or local jurisdiction if it files a separate company income or gross receipts tax return in that state or local jurisdiction, it is included in a unitary or combined group income or gross receipts tax return in that state or local

jurisdiction, or if the state or local jurisdiction has authority to levy an income or gross receipts tax upon the company regardless of whether that jurisdiction actually levies such a tax.

(c) Any other receipts of the taxpayer not attributable to medical laboratory services shall be sourced to this state pursuant to regulations of the department.

(4) For purposes of this section:

(a) "Major Medical Laboratory Service Business" means a company that performs laboratory testing and analysis for the medical industry and that invests a minimum of Twenty-five Million Dollars ($25,000,000.00) in land, building, and/or equipment located in Mississippi and creates two hundred eighty (280) new full-time, direct jobs within three (3) years of start of operations, as certified by the Mississippi Development Authority.

(b) "Medical Laboratory Services" means laboratory testing and analysis performed for the medical industry.

(c) "Service address" means the physical location of the doctor's office, clinic, or other medical facility requesting the testing or analysis.

SECTION 2. Section 27-7-23, Mississippi Code of 1972, is amended as follows:

27-7-23. (a) **Definitions.**

(1) "Doing business" means the operation of any business enterprise or activity in Mississippi for financial

profit or economic gain, including, but not limited to, the following:

(A) The regular maintenance of an office or other place of business in Mississippi; or

(B) The regular maintenance in Mississippi of an inventory of merchandise or material for sale, distribution or manufacture, regardless of whether kept on the premises of the taxpayer or otherwise; or

(C) The selling or distributing of merchandise to customers in Mississippi directly from a company-owned or operated vehicle when title to the merchandise is transferred from the seller or distributor to the customer at the time of the sale or distribution (transient selling); or

(D) The regular rendering of service to clients or customers in Mississippi in person or by agents or employees; or

(E) The owning, renting or operating of business or income-producing property, real or personal, in Mississippi; or

(F) The performing of contracts, prime or sublet work, for the construction, repair or renovation of real or personal property.

(2) "Business income" means income of any type or class, and from any activity that meets the relationship described in the transactional test or the functional test described in this paragraph (2). The classification of income by occasionally used labels, including, but not limited to, manufacturing income,

compensation for services, sales income interest, dividends, rents, royalties, gains, operating income, and nonoperating income shall not be considered when determining whether income is business or nonbusiness income. All income of the taxpayer is business income unless clearly classifiable as nonbusiness income. A taxpayer seeking to overcome a classification of income as business income must establish by a preponderance of the evidence that the income has been incorrectly classified.

(A) Transactional test. Business income includes income arising from transactions and activity in the regular course of the taxpayer's trade or business.

(i) If the transaction or activity is in the regular course of the taxpayer's trade or business, part of which trade or business is conducted within Mississippi, the resulting income of the transaction or activity is business income for Mississippi. Income may be business income even though the actual transaction or activity that gives rise to the income does not occur in Mississippi.

(ii) For a transaction or activity to be in the regular course of the taxpayer's trade or business, the transactions or activity need not be one that frequently occurs in the trade or business, although most frequently occurring transactions or activities shall be considered to be in the regular course of a trade or business. It is sufficient to classify a transaction or activity as being in the regular course

of a trade or business if it is reasonable to conclude transactions of that type are customary in the kind of trade or business being conducted or are within the scope of what the trade or business does.

(B) Functional test. Business income includes income from tangible and intangible property if the acquisition, management and/or disposition of the property constitute integral parts of the taxpayer's regular trade or business operation.

(i) Under the functional test, business income need not be derived from transactions or activities that are in the regular course of the taxpayer's own particular trade or business. It shall be sufficient if the property from which the income is derived is or was an integral, functional, necessary or operative component of the taxpayer's trade or business operations, part of which trade or business is or was conducted within this state.

(ii) Income that is derived from isolated sales, leases, assignments, licenses and other infrequently occurring dispositions, transfers or transactions involving property, including transactions made in liquidation or the winding up of business is business income if the property is or was used in the taxpayer's trade or business operation. Income from the licensing of intangible assets, such as patents, copyrights, trademarks, service marks, goodwill, know-how, trade secrets and similar assets, that were developed or acquired for

use by the taxpayer in his trade or business operations, constitute business income whether the licensing itself constituted the operation of a trade or business and whether the taxpayer remains in the same trade or business from or for which the intangible asset was developed or acquired.

(iii) Under the functional test, income from intangible property is business income when the intangible property serves an operating function, as opposed to solely an investment function. The relevant inquiry shall focus on whether the property is or was held in furtherance of the taxpayer's trade or business, that is, on the objective characteristics of the intangible property's use or acquisition and its relation to the taxpayer and the taxpayer's activities. The functional test is not satisfied where the holding of the property is limited solely to an investment function as in the case where the holding of the property is limited to mere financial betterment of the taxpayer in general.

(iv) If the property is or was held in furtherance of the taxpayer's trade or business beyond mere financial betterment, then income from the property may be business income even though the actual transaction or activity involving the property that gives rise to the income does not occur in Mississippi.

(v) If, with respect to an item of property, a taxpayer takes a deduction from business income that is

apportioned to Mississippi, or includes that item of property in the property factor, it is presumed that the item of property is or was integral to the taxpayer's trade or business operations. No presumption arises from the absence of any of this action.

(vi) Application of the functional test is generally unaffected by the form of the property. Income arising from intangible property is business income when the intangible property itself or the underlying value of the intangible property is or was an integral, functional, necessary or operative component to the taxpayer's trade or business operation. Therefore, while treatment of income derived from transactions involving intangible property as business income may be supported by a finding that the issuer of the intangible property and the taxpayer are engaged in the same trade or business, establishment of such a relationship is not the exclusive basis for concluding that the income constitutes business income. It is sufficient to support a finding of business income if the holding of the intangible property served an operational rather than an investment function.

(3) "Nonbusiness income" means all income that does not meet the definition of business income.

(4) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(5) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

(b) **Nonresident individuals, partnerships, trusts and estates.**

(1) The tax imposed by this article shall apply to the entire net income of a taxable nonresident derived from employment, trade, business, professional, personal service or other activity for financial gain or profit, performed or carried on within Mississippi, including the rental of real or personal property located within this state or for use herein and including the sale or exchange or other disposition of tangible or intangible property having a situs in Mississippi.

(2) Income derived from trade, business or other commercial activity shall be taxed to the extent that it is derived from such activity within this state. Mississippi net income shall be determined in the manner prescribed by the commissioner for the allocation and/or apportionment of income of foreign corporations having income from sources both within and without the state.

(3) A taxable nonresident shall be allowed to deduct expenses, interest, taxes, losses, bad debts, depreciation and similar business expenses only to the extent that they are allowable under this article and are attributable to the

production of income allocable to and taxable by the State of Mississippi. As to allowable deductions essentially personal in nature, such as contributions to charitable organizations, medical expenses, taxes, interest and the optional standard deduction, such taxable nonresident shall be allowed deductions therefor in the ratio that the net income from sources within Mississippi bears to the total net income from all sources of such taxable nonresident, computed as if such taxable nonresident was a resident of Mississippi.

(c) **Foreign corporations, associations, organizations and other entities.**

(1) Corporations and organizations required to file. All foreign corporations and other organizations which have obtained a certificate of authority from the Secretary of State to do business in Mississippi, or corporations or organizations which are in fact doing business in Mississippi, are subject to the income tax levy and are required to file annual income tax returns unless the corporation or organization is specifically exempt from tax by this article.

(2) Allocation and apportionment of income.

(A) Except as provided in Sections 27-7-24, 27-7-24.1, 27-7-24.3, 27-7-24.5, 27-7-24.7 * * *, 27-7-24.8 and 27-7-24.9, Mississippi Code of 1972, any corporation or organization having business income from business activity which is taxable both within and without this state shall allocate and

apportion its net business income as prescribed by regulations enacted by the commissioner. If the business income of the corporation is derived solely from property owned or business done in this state and the corporation is not taxable in another state, the entire business income shall be allocated to this state. A corporation is taxable in another state if, in that state the corporation is subject to a net income tax, or a franchise tax measured by net income, or if that state has jurisdiction to subject the corporation to a net income tax regardless of whether the state does or does not subject the corporation to a net income tax.

(B) If the allocation and apportionment provisions of this section or regulations enacted by the commissioner do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for, or the commissioner may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

(i) Separate accounting;

(ii) The exclusion of any one or more of the factors;

(iii) The inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in this state; or

(iv) The employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(C) In any instance in which a taxpayer requests or the commissioner requires the use of any of the alternative apportionment methods in subparagraph (B) of this paragraph, the party requesting or requiring the method shall bear the burden of proving by preponderance of the evidence in any administrative or judicial proceeding that the methods set forth in this section or the commissioner's regulations do not fairly represent the extent of the taxpayer's business activity in this state and that the proposed method more fairly represents that activity than any other reasonable method available. The alternative apportionment authority specified in this subparagraph (D) is intended to be invoked only in limited and unique, nonrecurring circumstances where the standard apportionment provisions contained in the statutes and regulations produce unanticipated results that do not fairly represent the extent of the taxpayer's business activity in this state.

(D) The commissioner shall be prohibited from assessing any penalties related to a deficiency arising from requiring the use of an alternative apportionment method under subparagraph (B) of this paragraph unless the commissioner shall establish by preponderance of the evidence that the taxpayer's

method was without reasonable basis or was not in accordance with existing statutes or regulations.

(3) Nonbusiness income. Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as follows:

(A) Net rents and royalties from real property are allocable to the state in which the property is located.

(B) Net rents and royalties from tangible personal property are allocable to the state in which the property is used, or to this state in their entirety if the corporation's commercial domicile is in this state and the corporation is not organized under the laws of or taxable in the state in which the property is utilized.

(C) Capital gains and losses from sales of real property are allocable to the state in which the property is located.

(D) Capital gains and losses from sales of tangible personal property are allocable to the state in which the property is located, or to this state if the corporation's commercial domicile is in this state and the corporation is not taxable in the state in which the property had a situs.

(E) Capital gains and losses from sales of intangible personal property are allocable to the state of the corporation's commercial domicile.

(F) Interest and dividends are allocable to the state of the corporation's commercial domicile.

(G) Patent and copyright royalties are allocable to the state in which the patent or copyright is utilized by the payer, or to this state if and to the extent that the patent or copyright is utilized by the payer in a state in which the corporation is not taxable and the corporation's commercial domicile is in this state.

(H) Any other nonbusiness income shall be allocated as prescribed by the commissioner.

(I) All expenses connected with earning nonbusiness income, such as interest, taxes, general and administrative expenses and such other expenses relating to the production of nonbusiness income, shall be deducted from gross nonbusiness income. Nonbusiness interest expense shall be computed by using the ratio of nonbusiness assets to total assets applied to total interest expense.

(d) **Foreign lenders.**

(1) In the case of any foreign lender, (corporation, association, organization, individual, partnership, trusts or estates), other than: (A) a foreign insurance company subject to certification by the Commissioner of Insurance, as provided by Section 83-21-1 et seq.; or (B) a foreign lender qualified under the general laws of this state to do business herein; or (C) a foreign lender which maintains an office or place of business

within this state; or (D) lenders that sold properties in this state and financed such sale and reported on the installment method, interest income received or accrued on or after January 1, 1977, from loans secured by real estate or from lending on the security of real estate located within this state shall be excluded from Mississippi gross income and exempt from the Mississippi income tax levy and the reporting requirements.

(2) In the case of any foreign lender exempted in paragraph (1) of this subsection, interest income received on any loan finalized or consummated after January 1, 1977, shall be excluded from Mississippi gross income and the net profits derived therefrom shall be exempt from the Mississippi income tax levy for the life of such loan.

(e) **Insurance companies.** Insurance companies, other than life insurance companies, deriving premium income from within and without the state, may determine their Mississippi net income from underwriting by apportioning to this state a part of their total net underwriting income by such processes or formulas of general apportionment as are prescribed by the commissioner; provided that a company adopting this method of reporting for any year must adhere to said method of reporting for subsequent years, unless permission is granted by the commissioner to change to a different method of reporting; and provided that all affiliated companies of the same group shall use the same method of reporting.

(f) **Bond requirements.** Any individual or corporation subject to the tax imposed by this article, engaged in the business of performing contracts which may require the payment of net income taxes, may be required by the commissioner, before entering into the performance of any contract or contracts the consideration of which is more than Ten Thousand Dollars ($10,000.00), to execute and file a good and valid bond with a surety company authorized to do business in this state, or with sufficient sureties to be approved by the commissioner, conditioned that all taxes which may accrue to the State of Mississippi will be paid when due. Provided, however, that such bond shall not exceed five percent (5%) of the total contracts entered into during the taxable period, and, provided further, that any taxpayer, in lieu of furnishing such bond, may pay the maximum sum required herein as advance payment of taxes due on the net income realized from any contract or contracts performed or completed in this state.

SECTION 3. This act shall take effect and be in force from and after January 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2365

Description: Pharmacy Practice Act; define biological/interchangeable product.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Public Health and Welfare
2	01/29	(S) Title Suff Do Pass
3	02/12	(S) Passed {Vote}
4	02/13	(S) Transmitted To House
5	02/19	(H) Referred To Public Health and Human Services
6	02/27	(H) Title Suff Do Pass
7	03/11	(H) Passed {Vote}
8	03/12	(H) Returned For Enrolling
9	03/19	(S) Enrolled Bill Signed
10	03/19	(H) Enrolled Bill Signed
11	03/21	Approved by Governor

Amendments:
[H] Amendment No 1Lost{Vote}

Code Section: A 073-0021-0073, A 073-0021-0117, A 073-0021-0119, A 073-0021-0127

----- Additional Information -----

Senate Committee: Public Health and Welfare
House Committee: Public Health and Human Services

Principal Author: Kirby
Additional Authors: Jackson (32nd), Jackson (11th)

Title: AN ACT TO AMEND SECTION 73-21-73, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERMS "BIOLOGICAL PRODUCT" AND "INTERCHANGEABLE BIOLOGICAL PRODUCT" AND REVISE THE DEFINITION OF THE TERM "PRODUCT SELECTION" FOR THE PURPOSES OF THE PHARMACY PRACTICE ACT; TO AMEND SECTION 73-21-117, MISSISSIPPI CODE OF 1972, TO ALLOW PRODUCT SELECTION OF INTERCHANGEABLE BIOLOGICAL PRODUCTS

BY PHARMACISTS IN THE SAME MANNER AS PRODUCT SELECTION OF GENERIC DRUG EQUIVALENTS; TO REQUIRE PHARMACISTS TO MAKE CERTAIN ELECTRONICALLY ACCESSIBLE RECORDS OF BIOLOGICAL PRODUCTS DISPENSED BY THEM AND CONVEY THAT INFORMATION TO THE PRESCRIBERS OF THOSE PRODUCTS; TO AMEND SECTION 73-21-119, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT THE LABELS FOR BIOLOGICAL PRODUCTS AND INTERCHANGEABLE BIOLOGICAL PRODUCTS CONTAIN CERTAIN INFORMATION; TO AMEND SECTION 73-21-127, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2365

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Kirby, Jackson (32nd), Jackson (11th)

To: Public Health and Welfare

SENATE BILL NO. 2365

AN ACT TO AMEND SECTION 73-21-73, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERMS "BIOLOGICAL PRODUCT" AND "INTERCHANGEABLE BIOLOGICAL PRODUCT" AND REVISE THE DEFINITION OF THE TERM "PRODUCT SELECTION" FOR THE PURPOSES OF THE PHARMACY PRACTICE ACT; TO AMEND SECTION 73-21-117, MISSISSIPPI CODE OF 1972, TO ALLOW PRODUCT SELECTION OF INTERCHANGEABLE BIOLOGICAL PRODUCTS BY PHARMACISTS IN THE SAME MANNER AS PRODUCT SELECTION OF GENERIC DRUG EQUIVALENTS; TO REQUIRE PHARMACISTS TO MAKE CERTAIN ELECTRONICALLY ACCESSIBLE RECORDS OF BIOLOGICAL PRODUCTS DISPENSED BY THEM AND CONVEY THAT INFORMATION TO THE PRESCRIBERS OF THOSE PRODUCTS; TO AMEND SECTION 73-21-119, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT THE LABELS FOR BIOLOGICAL PRODUCTS AND INTERCHANGEABLE BIOLOGICAL PRODUCTS CONTAIN CERTAIN INFORMATION; TO AMEND SECTION 73-21-127, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-21-73, Mississippi Code of 1972, is amended as follows:

73-21-73. As used in this chapter, unless the context requires otherwise:

(a) "Administer" means the direct application of a prescription drug pursuant to a lawful order of a practitioner to the body of a patient by injection, inhalation, ingestion or any other means.

(b) "Biological product" means the same as that term is defined in 42 USC Section 262.

(* * *c) "Board of Pharmacy," "Pharmacy Board," "MSBP" or "board" means the State Board of Pharmacy.

(* * *d) "Compounding" means (i) the production, preparation, propagation, conversion or processing of a sterile or nonsterile drug or device either directly or indirectly by extraction from substances of natural origin or independently by means of chemical or biological synthesis or from bulk chemicals or the preparation, mixing, measuring, assembling, packaging or labeling of a drug or device as a result of a practitioner's prescription drug order or initiative based on the practitioner/patient/pharmacist relationship in the course of professional practice, or (ii) for the purpose of, as an incident to, research, teaching or chemical analysis and not for sale or dispensing. Compounding also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine regularly observed prescribing patterns.

(* * *e) "Continuing education unit" means ten (10) clock hours of study or other such activity as may be approved by the board, including, but not limited to, all programs which have been approved by the American Council on Pharmaceutical Education.

(* * *f) "Deliver" or "delivery" means the actual, constructive or attempted transfer in any manner of a drug or device from one person to another, whether or not for a

consideration, including, but not limited to, delivery by mailing or shipping.

(* * *g) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including any component part or accessory which is required under federal or state law to be prescribed by a practitioner and dispensed by a pharmacist.

(* * *h) "Dispense" or "dispensing" means the interpretation of a valid prescription of a practitioner by a pharmacist and the subsequent preparation of the drug or device for administration to or use by a patient or other individual entitled to receive the drug.

(* * *i) "Distribute" means the delivery of a drug or device other than by administering or dispensing to persons other than the ultimate consumer.

(* * *j) "Drug" means:

(i) Articles recognized as drugs in the official United States Pharmacopeia, official National Formulary, official Homeopathic Pharmacopeia, other drug compendium or any supplement to any of them;

(ii) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;

(iii) Articles other than food intended to affect the structure or any function of the body of man or other animals; and

(iv) Articles intended for use as a component of any articles specified in subparagraph (i), (ii) or (iii) of this paragraph.

(* * *k) "Drugroom" means a business, which does not require the services of a pharmacist, where prescription drugs or prescription devices are bought, sold, maintained or provided to consumers.

(* * *l) "Extern" means a student in the professional program of a school of pharmacy accredited by the American Council on Pharmaceutical Education who is making normal progress toward completion of a professional degree in pharmacy.

(* * *m) "Foreign pharmacy graduate" means a person whose undergraduate pharmacy degree was conferred by a recognized school of pharmacy outside of the United States, the District of Columbia and Puerto Rico. Recognized schools of pharmacy are those colleges and universities listed in the World Health Organization's World Directory of Schools of Pharmacy, or otherwise approved by the Foreign Pharmacy Graduate Examination Committee (FPGEC) certification program as established by the National Association of Boards of Pharmacy.

(* * *n) "Generic equivalent drug product" means a drug product which (i) contains the identical active chemical

ingredient of the same strength, quantity and dosage form; (ii) is of the same generic drug name as determined by the United States Adoptive Names and accepted by the United States Food and Drug Administration; and (iii) conforms to such rules and regulations as may be adopted by the board for the protection of the public to assure that such drug product is therapeutically equivalent.

(o) "Interchangeable biological product" or "I.B." means a biological product that the federal Food and Drug Administration:

(i) Has licensed and determined as meeting the standards for interchangeability under 42 USC Section 262(k)(4); or

(ii) Has determined is therapeutically equivalent as set forth in the latest edition of or supplement to the federal Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations.

(* * *p) "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected worldwide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocol to such protocol, to communicate information of all kinds by wire or radio.

(* * *q) "Interested directly" means being employed by, having full or partial ownership of, or control of, any

facility permitted or licensed by the Mississippi State Board of Pharmacy.

(* * *r) "Interested indirectly" means having a spouse who is employed by any facility permitted or licensed by the Mississippi State Board of Pharmacy.

(* * *s) "Intern" means a person who has graduated from a school of pharmacy but has not yet become licensed as a pharmacist.

(* * *t) "Manufacturer" means a person, business or other entity engaged in the production, preparation, propagation, conversion or processing of a prescription drug or device, if such actions are associated with promotion and marketing of such drugs or devices.

(* * *u) "Manufacturer's distributor" means any person or business who is not an employee of a manufacturer, but who distributes sample drugs or devices, as defined under subsection (i) of this section, under contract or business arrangement for a manufacturer to practitioners.

(* * *v) "Manufacturing" of prescription products means the production, preparation, propagation, conversion or processing of a drug or device, either directly or indirectly, by extraction from substances from natural origin or independently by means of chemical or biological synthesis, or from bulk chemicals and includes any packaging or repackaging of the substance(s) or

labeling or relabeling of its container, if such actions are associated with promotion and marketing of such drug or devices.

(* * *w) "Misappropriation of a prescription drug" means to illegally or unlawfully convert a drug, as defined in subsection (i) of this section, to one's own use or to the use of another.

(* * *x) "Nonprescription drugs" means nonnarcotic medicines or drugs that may be sold without a prescription and are prepackaged and labeled for use by the consumer in accordance with the requirements of the statutes and regulations of this state and the federal government.

(* * *y) "Person" means an individual, corporation, partnership, association or any other legal entity.

(* * *z) "Pharmacist" means an individual health care provider licensed by this state to engage in the practice of pharmacy. This recognizes a pharmacist as a learned professional who is authorized to provide patient services.

(* * *aa) "Pharmacy" means any location for which a pharmacy permit is required and in which prescription drugs are maintained, compounded and dispensed for patients by a pharmacist. This definition includes any location where pharmacy-related services are provided by a pharmacist.

(* * *bb) "Prepackaging" means the act of placing small precounted quantities of drug products in containers

suitable for dispensing or administering in anticipation of prescriptions or orders.

(* * *cc) "Unlawful or unauthorized possession" means physical holding or control by a pharmacist of a controlled substance outside the usual and lawful course of employment.

(* * *dd) "Practice of pharmacy" means a health care service that includes, but is not limited to, the compounding, dispensing, and labeling of drugs or devices; interpreting and evaluating prescriptions; administering and distributing drugs and devices; the compounding, dispensing and labeling of drugs and devices; maintaining prescription drug records; advising and consulting concerning therapeutic values, content, hazards and uses of drugs and devices; initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved by the board; selecting drugs; participating in drug utilization reviews; storing prescription drugs and devices; ordering lab work in accordance with written guidelines or protocols as defined by paragraph (* * *nn) of this section; providing pharmacotherapeutic consultations; supervising supportive personnel and such other acts, services, operations or transactions necessary or incidental to the conduct of the foregoing.

(* * *ee) "Practitioner" means a physician, dentist, veterinarian, or other health care provider authorized by law to diagnose and prescribe drugs.

(* * *ff) "Prescription" means a written, verbal or electronically transmitted order issued by a practitioner for a drug or device to be dispensed for a patient by a pharmacist. "Prescription" includes a standing order issued by a practitioner to an individual pharmacy that authorizes the pharmacy to dispense an opioid antagonist to certain persons without the person to whom the opioid antagonist is dispensed needing to have an individual prescription, as authorized by Section 41-29-319(3).

(* * *gg) "Prescription drug" or "legend drug" means a drug which is required under federal law to be labeled with either of the following statements prior to being dispensed or delivered:

(i) "Caution: Federal law prohibits dispensing without prescription," or

(ii) "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; or a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.

(* * *hh) "Product selection" means the dispensing of a generic equivalent drug product or an interchangeable biological product in lieu of the drug product ordered by the prescriber.

(* * *ii) "Provider" or "primary health care provider" includes a pharmacist who provides health care services within his or her scope of practice pursuant to state law and regulation.

(* * *jj) "Registrant" means a pharmacy or other entity which is registered with the Mississippi State Board of Pharmacy to buy, sell or maintain controlled substances.

(* * *kk) "Repackager" means a person registered by the Federal Food and Drug Administration as a repackager who removes a prescription drug product from its marketed container and places it into another, usually of smaller size, to be distributed to persons other than the consumer.

(* * *ll) "Reverse distributor" means a business operator that is responsible for the receipt and appropriate return or disposal of unwanted, unneeded or outdated stocks of controlled or uncontrolled drugs from a pharmacy.

(* * *mm) "Supportive personnel" or "pharmacist technician" means those individuals utilized in pharmacies whose responsibilities are to provide nonjudgmental technical services concerned with the preparation and distribution of drugs under the direct supervision and responsibility of a pharmacist.

(* * *nn) "Written guideline or protocol" means an agreement in which any practitioner authorized to prescribe drugs delegates to a pharmacist authority to conduct specific prescribing functions in an institutional setting, or with individual patients, provided that a specific protocol agreement is signed on each patient and is filed as required by law or by rule or regulation of the board.

(* * *oo) "Wholesaler" means a person who buys or otherwise acquires prescription drugs or prescription devices for resale or distribution, or for repackaging for resale or distribution, to persons other than consumers.

(* * *pp) "Pharmacy benefit manager" has the same meaning as defined in Section 73-21-153.

SECTION 2. Section 73-21-117, Mississippi Code of 1972, is amended as follows:

73-21-117. (1) A pharmacist may select a generic equivalent drug product or an interchangeable biological product only when such selection results in lower cost to the purchaser, unless product selection is expressly prohibited by the prescriber.

(2) A pharmacist shall select a generic equivalent drug product or an interchangeable biological product when:

(a) The purchaser requests the selection of a generic equivalent drug product or an interchangeable biological product; or

(b) The prescriber has not expressly prohibited product selection; and

(c) Product selection will result in lower cost to the purchaser.

Before product selection is made, the pharmacist shall advise the purchaser of his prerogatives under this subsection.

(3) When requested by the purchaser to dispense the drug product or biological product as ordered by the prescriber, a

pharmacist shall not select a generic equivalent drug product or an interchangeable biological product.

(4) Within five (5) business days following the dispensing of any biological product, the dispensing pharmacist or the pharmacist's designee shall make an entry of the specific product provided to the purchaser, including the name of the product and the manufacturer, and communicate that information to the prescriber. The communication shall be conveyed by making an entry that is electronically accessible to the prescriber through:

(a) An interoperable electronic medical records system;

(b) An electronic prescribing technology;

(c) A pharmacist benefit management system; or

(d) A pharmacy record.

(5) Entry into an electronic records system as described in subsection (4) of this section is presumed to provide notice to the prescriber. Otherwise, the pharmacist shall communicate the biological product dispensed to the prescriber using facsimile, telephone, electronic transmission, or other prevailing means, provided that communication shall not be required where:

(a) There is no federal Food and Drug Administration-approved interchangeable biological product for the product prescribed; or

(b) A refill prescription is not changed from the product dispensed on the prior filling of the prescription.

(6) The board shall maintain a link on its website to the federal Food and Drug Administration's List of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations.

SECTION 3. Section 73-21-119, Mississippi Code of 1972, is amended as follows:

73-21-119. (1) The label of the container of any drug product which is sold within the State of Mississippi for resale at retail and which requires a prescription to be dispensed at retail shall contain at a minimum the name of the manufacturer of the final dosage unit, expiration date if applicable, batch or lot number and national drug code. The label of the container of any biological product dispensed by a pharmacist shall include its nonproprietary name designated by the federal Food and Drug Administration for use and the name of the manufacturer of the product.

(2) Whenever product selection is made, the pharmacist shall indicate on the label of the dispensed container the initials "G.E." * * * or "I.B.," as appropriate. The label for generic equivalent drugs shall include the proprietary name of the product dispensed or the generic name of the product dispensed and its manufacturer either written in full or appropriately abbreviated, unless the prescriber indicates that the name of the drug product shall not appear on the label. The label for interchangeable biological products shall include its nonproprietary name

designated by the federal Food and Drug Administration for use and the name of the manufacturer of the product.

SECTION 4. Section 73-21-127, Mississippi Code of 1972, is amended as follows:

73-21-127. The Board of Pharmacy shall develop and implement a computerized program to track prescriptions for controlled substances and to report suspected abuse and misuse of controlled substances in compliance with the federal regulations promulgated under authority of the National All Schedules Prescription Electronic Reporting Act of 2005 and in compliance with the federal HIPAA law, under the following conditions:

(a) Submission or reporting of dispensing information shall be mandatory and required by the State Board of Pharmacy for any entity dispensing controlled substances in or into the State of Mississippi, except for the dispensing of controlled substance drugs by a veterinarian residing in the State of Mississippi.

(b) The prescriptions tracked shall be prescriptions for controlled substances listed in Schedule II, III, IV or V and specified noncontrolled substances identified by the State Board of Pharmacy that are dispensed to residents in the State of Mississippi by licensed pharmacies, nonresident pharmacies, institutions and dispensing practitioners, regardless of dispenser location.

(c) The Board of Pharmacy shall report any activity it reasonably suspects may be fraudulent or illegal to the

appropriate law enforcement agency or occupational licensing board and provide them with the relevant information obtained for further investigation.

(d) The program shall provide information regarding the potential inappropriate use of controlled substances and the specified noncontrolled substances to practitioners, pharmacists-in-charge and appropriate state agencies in order to prevent the inappropriate or illegal use of these controlled substances. The specific purposes of the program shall be to: be proactive in safeguarding public health and safety; support the legitimate use of controlled substances; facilitate and encourage the identification, intervention with and treatment of individuals addicted to controlled substances and specified noncontrolled drugs; identify and prevent drug diversion; provide assistance to those state and federal law enforcement and regulatory agencies investigating cases of drug diversion or other misuse; and inform the public and health care professionals of the use and abuse trends related to controlled substance and specified noncontrolled drugs.

(e) (i) Access to collected data shall be confidential and not subject to the provisions of the federal Freedom of Information Act or the Mississippi Public Records Act. Upon request, the State Board of Pharmacy shall provide collected information to: pharmacists or practitioners who are properly registered with the State Board of Pharmacy and are authorized to

prescribe or dispense controlled substances for the purpose of providing medical and pharmaceutical care for their patients; local, state and federal law enforcement officials engaged in the administration, investigation or enforcement of the laws governing illicit drug use; regulatory and licensing boards in this state; Division of Medicaid regarding Medicaid and Medicare Program recipients; judicial authorities under grand jury subpoena; an individual who requests the individual's own prescription monitoring information; and prescription monitoring programs in other states through mutual agreement adhering to State Board of Pharmacy policies.

(ii) The Director of the Mississippi Bureau of Narcotics, or his designee, shall have access to the Prescription Monitoring Program (PMP) database for the purpose of investigating the potential illegal acquisition, distribution, dispensing, prescribing or administering of the controlled and noncontrolled substances monitored by the program, subject to all legal restrictions on further dissemination of the information obtained.

(iii) The State Board of Pharmacy may also provide statistical data for research or educational purposes if the board determines the use of the data to be of significant benefit to public health and safety. The board maintains the right to refuse any request for PMP data.

(iv) A pharmacist licensed by the Mississippi Board of Pharmacy must be a registered user of the PMP. Failure

of a pharmacist licensed by the Mississippi Board of Pharmacy to register as a user of the PMP is grounds for disciplinary action by the board.

(v) All licensed practitioners as defined under Section 73-21-73(* * *ee) holding an active DEA number shall register as users of the PMP.

(f) The Prescription Monitoring Program through the Board of Pharmacy may:

(i) Establish the cost of administration, maintenance, and operation of the program and charge to like agencies a fee based on a formula to be determined by the board with collaboration and input from participating agencies; and

(ii) Assess charges for information and/or statistical data provided to agencies, institutions and individuals. The amounts of those fees shall be set by the Executive Director of the Board of Pharmacy based on the recommendation of the Director of the PMP.

All such fees collected shall be deposited into the special fund of the State Board of Pharmacy and used to support the operations of the PMP.

(g) A dispenser pharmacist or practitioner licensed to dispense controlled substances and specified noncontrolled substance drugs who knowingly fails to submit drug-monitoring information or knowingly submits incorrect dispensing information shall be subject to actions against the pharmacist's or

practitioner's license, registrations or permit and/or an administrative penalty as provided in Sections 73-21-97 and 73-21-103. Any misuse of the PMP is subject to penalties as provided in Sections 73-21-97 and 73-21-103.

(h) The Board of Pharmacy and the Prescription Monitoring Program shall be immune from civil liability arising from inaccuracy of any of the information submitted to the program.

(i) "Practitioner," as used in this section, shall include any person licensed, registered or otherwise permitted to distribute, dispense, prescribe or administer a controlled substance, as defined under Section 41-29-105(y), and any person defined as a "practitioner" under Section 73-21-73(* * *ee).

(j) In addition to any funds appropriated by the Legislature, the State Board of Pharmacy may apply for any available grants and accept any gifts, grants or donations to assist in future development or in maintaining the program.

SECTION 5. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2392

Description: State budget; revise definition for identifying and inventorying programs used in the budgeting process.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

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 1  01/21   (S) Referred To Appropriations
 2  02/05   (S) Title Suff Do Pass Comm Sub
 3  02/06   (S) Committee Substitute Adopted
 4  02/06   (S) Passed {Vote}
 5  02/07   (S) Transmitted To House
 6  02/19   (H) Referred To Appropriations
 7  02/27   (H) Title Suff Do Pass As Amended
 8  03/06   (H) Amended
 9  03/06   (H) Passed As Amended {Vote}
10  03/07   (H) Returned For Concurrence
11  03/20   (S) Concurred in Amend From House {Vote}
12  03/26   (S) Enrolled Bill Signed
13  03/26   (H) Enrolled Bill Signed
14  03/29  Approved by Governor
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Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2392

Code Section: A 027-0103-0159

----- Additional Information -----

Senate Committee: Appropriations
House Committee: Appropriations

Principal Author: Burton

Title: AN ACT TO AMEND SECTION 27-103-159, MISSISSIPPI CODE OF 1972, TO MODIFY CERTAIN DEFINITIONS RELATING TO THE IDENTIFICATION AND INVENTORYING OF PROGRAMS USED IN THE BUDGETING PROCESS; TO

EXPAND THE SCOPE OF AGENCIES THAT MAY BE REQUIRED TO PARTICIPATE IN THE PROCESS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Burton To: Appropriations

SENATE BILL NO. 2392
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-103-159, MISSISSIPPI CODE OF 1972, TO MODIFY CERTAIN DEFINITIONS RELATING TO THE IDENTIFICATION AND INVENTORYING OF PROGRAMS USED IN THE BUDGETING PROCESS; TO EXPAND THE SCOPE OF AGENCIES THAT MAY BE REQUIRED TO PARTICIPATE IN THE PROCESS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-103-159, Mississippi Code of 1972, is amended as follows:

27-103-159. (1) For purposes of this section, the following terms shall have the following meanings * * * as defined in this subsection:

(a) "Evidence-based program" * * * means an intervention program * * * that has had multiple site * * * randomized controlled trials across heterogeneous populations demonstrating that the program * * * is effective for the population and that does not have an equivalent or more probative body of rigorous evaluation demonstrating its ineffectiveness.

(b) "Intervention program" means a discrete and systematic set of activities designed to achieve one or more

specific outcomes not constituted or reliably achieved by the activities themselves.

(* * *c) "Research-based program" * * * means an intervention program * * * that has had at least one (1) rigorous controlled evaluation demonstrating effectiveness and does not have an equivalent or more probative body of evaluations demonstrating its ineffectiveness.

(* * *d) "Promising * * * program" * * * means * * * an intervention program that has had at least one (1) rigorous controlled evaluation demonstrating effectiveness.

(* * *e) "Other programs * * *" * * * means all programs * * * that do not fit the definition of evidence-based, research-based or promising * * * programs. This category may include nonintervention programs as well as intervention programs with rigorous evidence of ineffectiveness, mixed evidence of effectiveness, or an absence of evidence.

(* * *f) "Program inventory" * * * means the * * * list of all agency programs * * * that for purposes of accountability means a set of activities upon which state resources are expended.

* * *

(g) "Rigorous controlled evaluation" means an evaluation for which the program received a ranking of at least three (3) on the Maryland Scientific Methods Scale, which level requires a control group.

(2) Beginning with the fiscal year 2016 budget cycle, the Legislative Budget Office shall require the Department of Corrections, the Department of Health, the Department of Education, and the Department of Transportation to comply with the requirements of this section respecting the inventorying of agency programs and activities for use in the budgeting process. The aforementioned agencies shall submit all program information to the Legislative Budget Office in accordance with any policies established by that office setting out requirements for any filings required under this section. Additional agencies shall be required to comply with the provisions of this subsection as provided in subsection (5) of this section.

(3) The Legislative Budget Office, the PEER Committee staff, and personnel of each of the agencies * * * required to comply with this section shall review the programs of each agency and shall:

(a) Establish an initial inventory of agency programs * * * as defined in subsection (1)(a) through (e) of this section;

(b) Categorize all agency programs * * * as intervention or nonintervention and all intervention programs as evidence-based, research-based, promising * * *, or other * * *. Where possible, other intervention programs should be further classified according to the subcategories in subsection (1) of this section;

(c) Identify agency and program premises, goals, objectives, outcomes and outputs, as well as any other indicator or component the staffs consider to be appropriate, such as evidence of a program's adherence to best practices;

(d) Report estimated expenditures and full-time equivalent (FTE) positions for each agency program for each fiscal year;

(e) Recommend new and additional budget programs that capture the work of the agency identified through the inventory process and that are reasonable in number for making appropriations;

(* * *f) Establish a procedure for base-lining programs which are built around promising practices or other programs that do not meet the definition of evidence-based or research-based programs, so that further research can be conducted to gauge the program's effectiveness;

(* * *g) Describe * * * the goals and theories used to develop any program * * * that is neither evidence-based or research-based; * * *

(* * *h) * * * Develop procedures for * * * optimizing cost-effectiveness of agency programs; and

(i) Annually update each agency's inventory and related data as specified in paragraphs (b) through (e) of this subsection (3).

* * *

(* * *4) Beginning with the fiscal year 2017 budget presentation, and each year thereafter, each state agency, general fund agency and special fund agency shall provide to the Joint Legislative Budget Committee a report of all sources of revenue, including the amounts from each source, collected by the agency in the most recent fiscal year. Such report shall include a list of each tax, fine or fee assessed by the agency, and it shall include the following for each:

(a) The amount assessed;

(b) The amount collected;

(c) The code section, regulation, or other authoritative source that authorized their assessment and collection;

(d) The method of determining assessments, including who is assessed, how the agency determines the amount of assessment, including rates;

(e) The methods of collecting the amounts assessed;

(f) The purposes for which the funds were expended by the agency;

(g) The amount of funds transferred to the general fund, if applicable, and the authority by which the transfer took place;

(h) The amount of funds transferred to another entity, if applicable, and the authority by which the transfer took place,

as well as the name of the entity to which the funds were transferred;

(i) The fiscal year-end balance of every fund that receives revenue generated by fines and fees; and

(j) Any Maintenance of Effort agreements entered into with any federal agency or subdivision thereof.

For sums received from state sources, the agency shall list each source, including each special fund, along with the amounts received from each fund. For sums received from federal government sources, the agency shall list each source at its most specific level, such as an office or division, not simply the federal department from which it came. The report shall also include a detailed description of the actions or results that were promised by the agency in order to receive these funds.

These reports shall be posted on the Legislative Budget Committee's website.

* * *

(5) Upon recommendations of the PEER Committee staff, the Legislative Budget Office may for the fiscal year 2021 budget cycle and all later budget cycles, annually designate additional agencies that shall be required to comply with the provisions of subsections (1), (2) and (3) of this section. Material collected in association with the provisions of subsections (1), (2) and (3) of this section may be incorporated into agency appropriations

bills to the extent deemed practicable by the Legislative Budget Committee.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2425

Description: Sales taxation; divert portion of revenue to certain counties in which certain tax increment finance projects are located.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Finance
2	01/24	(S) Title Suff Do Pass
3	01/31	(S) Passed {Vote}
4	02/01	(S) Transmitted To House
5	02/19	(H) Referred To Ways and Means
6	03/05	(H) Title Suff Do Pass
7	03/07	(H) Passed {Vote}
8	03/11	(H) Returned For Enrolling
9	03/19	(S) Enrolled Bill Signed
10	03/19	(H) Enrolled Bill Signed
11	03/22	Approved by Governor

Code Section: A 027-0065-0075, A 021-0045-0009

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Fillingane
Additional Authors: Wiggins

Title: AN ACT TO AMEND SECTION 27-65-75, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A DIVERSION TO CERTAIN COUNTIES OF A PORTION OF THE SALES TAX REVENUE COLLECTED ON BUSINESS ACTIVITIES WITHIN A REDEVELOPMENT PROJECT DEVELOPED UNDER THE TAX INCREMENT FINANCING ACT IF THE COUNTY HAS ISSUED BONDS UNDER THE TAX INCREMENT FINANCING ACT TO FINANCE ALL OR A PORTION OF SUCH REDEVELOPMENT PROJECT, ANY DEBT SERVICE FOR SUCH INDEBTEDNESS IS OUTSTANDING, AND A DEVELOPMENT WITH A VALUE OF $10,000,000.00 OR MORE IS, OR WILL BE, LOCATED IN THE REDEVELOPMENT AREA; TO

REQUIRE THE REVENUE FROM SUCH DIVERSION TO BE UTILIZED TO SATISFY SUCH INDEBTEDNESS; TO PROVIDE THAT THE DIVERSION SHALL END THE MONTH THE INDEBTEDNESS IS SATISFIED; TO AMEND SECTION 21-45-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Fillingane, Wiggins To: Finance

SENATE BILL NO. 2425

AN ACT TO AMEND SECTION 27-65-75, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A DIVERSION TO CERTAIN COUNTIES OF A PORTION OF THE SALES TAX REVENUE COLLECTED ON BUSINESS ACTIVITIES WITHIN A REDEVELOPMENT PROJECT DEVELOPED UNDER THE TAX INCREMENT FINANCING ACT IF THE COUNTY HAS ISSUED BONDS UNDER THE TAX INCREMENT FINANCING ACT TO FINANCE ALL OR A PORTION OF SUCH REDEVELOPMENT PROJECT, ANY DEBT SERVICE FOR SUCH INDEBTEDNESS IS OUTSTANDING, AND A DEVELOPMENT WITH A VALUE OF $10,000,000.00 OR MORE IS, OR WILL BE, LOCATED IN THE REDEVELOPMENT AREA; TO REQUIRE THE REVENUE FROM SUCH DIVERSION TO BE UTILIZED TO SATISFY SUCH INDEBTEDNESS; TO PROVIDE THAT THE DIVERSION SHALL END THE MONTH THE INDEBTEDNESS IS SATISFIED; TO AMEND SECTION 21-45-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-65-75, Mississippi Code of 1972, is amended as follows:

27-65-75. On or before the fifteenth day of each month, the revenue collected under the provisions of this chapter during the preceding month shall be paid and distributed as follows:

(1) (a) On or before August 15, 1992, and each succeeding month thereafter through July 15, 1993, eighteen percent (18%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under

the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on business activities within a municipal corporation shall be allocated for distribution to the municipality and paid to the municipal corporation. Except as otherwise provided in this paragraph (a), on or before August 15, 1993, and each succeeding month thereafter, eighteen and one-half percent (18-1/2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within a municipal corporation shall be allocated for distribution to the municipality and paid to the municipal corporation. However, in the event the State Auditor issues a certificate of noncompliance pursuant to Section 21-35-31, the Department of Revenue shall withhold ten percent (10%) of the allocations and payments to the municipality that would otherwise be payable to the municipality under this paragraph (a) until such time that the department receives written notice of the cancellation of a certificate of noncompliance from the State Auditor.

A municipal corporation, for the purpose of distributing the tax under this subsection, shall mean and include all incorporated cities, towns and villages.

Monies allocated for distribution and credited to a municipal corporation under this paragraph may be pledged as security for a loan if the distribution received by the municipal corporation is

otherwise authorized or required by law to be pledged as security for such a loan.

In any county having a county seat that is not an incorporated municipality, the distribution provided under this subsection shall be made as though the county seat was an incorporated municipality; however, the distribution to the municipality shall be paid to the county treasury in which the municipality is located, and those funds shall be used for road, bridge and street construction or maintenance in the county.

(b) On or before August 15, 2006, and each succeeding month thereafter, eighteen and one-half percent (18-1/2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on business activities on the campus of a state institution of higher learning or community or junior college whose campus is not located within the corporate limits of a municipality, shall be allocated for distribution to the state institution of higher learning or community or junior college and paid to the state institution of higher learning or community or junior college.

(c) On or before August 15, 2018, and each succeeding month thereafter until August 14, 2019, two percent (2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and

27-65-24, on business activities within the corporate limits of the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215. On or before August 15, 2019, and each succeeding month thereafter until August 14, 2020, four percent (4%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within the corporate limits of the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215. On or before August 15, 2020, and each succeeding month thereafter, six percent (6%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within the corporate limits of the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215.

(d) (i) On or before the fifteenth day of the month that the diversion authorized by this section begins, and each succeeding month thereafter, eighteen and one-half percent (18-1/2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that

collected under the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on business activities within a redevelopment project area developed under a redevelopment plan adopted under the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be allocated for distribution to the county in which the project area is located if:

1. The county borders on the Mississippi Sound and the State of Alabama;

2. The county has issued bonds under Section 21-45-9 to finance all or a portion of a redevelopment project in the redevelopment project area;

3. Any debt service for the indebtedness incurred is outstanding; and

4. A development with a value of Ten Million Dollars ($10,000,000.00) or more is, or will be, located in the redevelopment area.

(ii) Before any sales tax revenue may be allocated for distribution to a county under this paragraph, the county shall certify to the Department of Revenue that the requirements of this paragraph have been met, the amount of bonded indebtedness that has been incurred by the county for the redevelopment project and the expected date the indebtedness incurred by the county will be satisfied.

(iii) The diversion of sales tax revenue authorized by this paragraph shall begin the month following the

month in which the Department of Revenue determines that the requirements of this paragraph have been met. The diversion shall end the month the indebtedness incurred by the county is satisfied. All revenue received by the county under this paragraph shall be deposited in the fund required to be created in the tax increment financing plan under Section 21-45-11 and be utilized solely to satisfy the indebtedness incurred by the county.

(2) On or before September 15, 1987, and each succeeding month thereafter, from the revenue collected under this chapter during the preceding month, One Million One Hundred Twenty-five Thousand Dollars ($1,125,000.00) shall be allocated for distribution to municipal corporations as defined under subsection (1) of this section in the proportion that the number of gallons of gasoline and diesel fuel sold by distributors to consumers and retailers in each such municipality during the preceding fiscal year bears to the total gallons of gasoline and diesel fuel sold by distributors to consumers and retailers in municipalities statewide during the preceding fiscal year. The Department of Revenue shall require all distributors of gasoline and diesel fuel to report to the department monthly the total number of gallons of gasoline and diesel fuel sold by them to consumers and retailers in each municipality during the preceding month. The Department of Revenue shall have the authority to promulgate such rules and regulations as is necessary to determine the number of gallons of

gasoline and diesel fuel sold by distributors to consumers and retailers in each municipality. In determining the percentage allocation of funds under this subsection for the fiscal year beginning July 1, 1987, and ending June 30, 1988, the Department of Revenue may consider gallons of gasoline and diesel fuel sold for a period of less than one (1) fiscal year. For the purposes of this subsection, the term "fiscal year" means the fiscal year beginning July 1 of a year.

(3) On or before September 15, 1987, and on or before the fifteenth day of each succeeding month, until the date specified in Section 65-39-35, the proceeds derived from contractors' taxes levied under Section 27-65-21 on contracts for the construction or reconstruction of highways designated under the highway program created under Section 65-3-97 shall, except as otherwise provided in Section 31-17-127, be deposited into the State Treasury to the credit of the State Highway Fund to be used to fund that highway program. The Mississippi Department of Transportation shall provide to the Department of Revenue such information as is necessary to determine the amount of proceeds to be distributed under this subsection.

(4) On or before August 15, 1994, and on or before the fifteenth day of each succeeding month through July 15, 1999, from the proceeds of gasoline, diesel fuel or kerosene taxes as provided in Section 27-5-101(a)(ii)1, Four Million Dollars ($4,000,000.00) shall be deposited in the State Treasury to the

credit of a special fund designated as the "State Aid Road Fund," created by Section 65-9-17. On or before August 15, 1999, and on or before the fifteenth day of each succeeding month, from the total amount of the proceeds of gasoline, diesel fuel or kerosene taxes apportioned by Section 27-5-101(a)(ii)1, Four Million Dollars ($4,000,000.00) or an amount equal to twenty-three and one-fourth percent (23-1/4%) of those funds, whichever is the greater amount, shall be deposited in the State Treasury to the credit of the "State Aid Road Fund," created by Section 65-9-17. Those funds shall be pledged to pay the principal of and interest on state aid road bonds heretofore issued under Sections 19-9-51 through 19-9-77, in lieu of and in substitution for the funds previously allocated to counties under this section. Those funds may not be pledged for the payment of any state aid road bonds issued after April 1, 1981; however, this prohibition against the pledging of any such funds for the payment of bonds shall not apply to any bonds for which intent to issue those bonds has been published for the first time, as provided by law before March 29, 1981. From the amount of taxes paid into the special fund under this subsection and subsection (9) of this section, there shall be first deducted and paid the amount necessary to pay the expenses of the Office of State Aid Road Construction, as authorized by the Legislature for all other general and special fund agencies. The remainder of the fund shall be allocated monthly to the several counties in accordance with the following formula:

(a) One-third (1/3) shall be allocated to all counties in equal shares;

(b) One-third (1/3) shall be allocated to counties based on the proportion that the total number of rural road miles in a county bears to the total number of rural road miles in all counties of the state; and

(c) One-third (1/3) shall be allocated to counties based on the proportion that the rural population of the county bears to the total rural population in all counties of the state, according to the latest federal decennial census.

For the purposes of this subsection, the term "gasoline, diesel fuel or kerosene taxes" means such taxes as defined in paragraph (f) of Section 27-5-101.

The amount of funds allocated to any county under this subsection for any fiscal year after fiscal year 1994 shall not be less than the amount allocated to the county for fiscal year 1994.

Any reference in the general laws of this state or the Mississippi Code of 1972 to Section 27-5-105 shall mean and be construed to refer and apply to subsection (4) of Section 27-65-75.

(5) One Million Six Hundred Sixty-six Thousand Six Hundred Sixty-six Dollars ($1,666,666.00) each month shall be paid into the special fund known as the "State Public School Building Fund" created and existing under the provisions of Sections 37-47-1

through 37-47-67. Those payments into that fund are to be made on the last day of each succeeding month hereafter.

(6) An amount each month beginning August 15, 1983, through November 15, 1986, as specified in Section 6, Chapter 542, Laws of 1983, shall be paid into the special fund known as the Correctional Facilities Construction Fund created in Section 6, Chapter 542, Laws of 1983.

(7) On or before August 15, 1992, and each succeeding month thereafter through July 15, 2000, two and two hundred sixty-six one-thousandths percent (2.266%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited by the department into the School Ad Valorem Tax Reduction Fund created under Section 37-61-35. On or before August 15, 2000, and each succeeding month thereafter, two and two hundred sixty-six one-thousandths percent (2.266%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited into the School Ad Valorem Tax Reduction Fund created under Section 37-61-35 until such time that the total amount deposited into the fund during a fiscal year equals Forty-two Million Dollars ($42,000,000.00). Thereafter, the amounts diverted under this subsection (7) during the fiscal year in excess of Forty-two Million Dollars ($42,000,000.00) shall be deposited into the

Education Enhancement Fund created under Section 37-61-33 for appropriation by the Legislature as other education needs and shall not be subject to the percentage appropriation requirements set forth in Section 37-61-33.

(8) On or before August 15, 1992, and each succeeding month thereafter, nine and seventy-three one-thousandths percent (9.073%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited into the Education Enhancement Fund created under Section 37-61-33.

(9) On or before August 15, 1994, and each succeeding month thereafter, from the revenue collected under this chapter during the preceding month, Two Hundred Fifty Thousand Dollars ($250,000.00) shall be paid into the State Aid Road Fund.

(10) On or before August 15, 1994, and each succeeding month thereafter through August 15, 1995, from the revenue collected under this chapter during the preceding month, Two Million Dollars ($2,000,000.00) shall be deposited into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

(11) Notwithstanding any other provision of this section to the contrary, on or before February 15, 1995, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-17(2) and the corresponding levy in Section 27-65-23 on the rental or lease

of private carriers of passengers and light carriers of property as defined in Section 27-51-101 shall be deposited, without diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

(12) Notwithstanding any other provision of this section to the contrary, on or before August 15, 1995, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-17(1) on retail sales of private carriers of passengers and light carriers of property, as defined in Section 27-51-101 and the corresponding levy in Section 27-65-23 on the rental or lease of these vehicles, shall be deposited, after diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

(13) On or before July 15, 1994, and on or before the fifteenth day of each succeeding month thereafter, that portion of the avails of the tax imposed in Section 27-65-22 that is derived from activities held on the Mississippi State Fairgrounds Complex shall be paid into a special fund that is created in the State Treasury and shall be expended upon legislative appropriation solely to defray the costs of repairs and renovation at the Trade Mart and Coliseum.

(14) On or before August 15, 1998, and each succeeding month thereafter through July 15, 2005, that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be

paid into the General Fund shall be deposited in an amount not to exceed Two Million Dollars ($2,000,000.00) into the special fund created under Section 69-37-39. On or before August 15, 2007, and each succeeding month thereafter through July 15, 2010, that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be paid into the General Fund shall be deposited in an amount not to exceed Two Million Dollars ($2,000,000.00) into the special fund created under Section 69-37-39 until all debts or other obligations incurred by the Certified Cotton Growers Organization under the Mississippi Boll Weevil Management Act before January 1, 2007, are satisfied in full. On or before August 15, 2010, and each succeeding month thereafter through July 15, 2011, fifty percent (50%) of that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be paid into the General Fund shall be deposited into the special fund created under Section 69-37-39 until such time that the total amount deposited into the fund during a fiscal year equals One Million Dollars ($1,000,000.00). On or before August 15, 2011, and each succeeding month thereafter, that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be paid into the General Fund shall be deposited into the special fund created

under Section 69-37-39 until such time that the total amount deposited into the fund during a fiscal year equals One Million Dollars ($1,000,000.00).

(15) Notwithstanding any other provision of this section to the contrary, on or before September 15, 2000, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited, without diversion, into the Telecommunications Ad Valorem Tax Reduction Fund established in Section 27-38-7.

(16) (a) On or before August 15, 2000, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of this chapter on the gross proceeds of sales of a project as defined in Section 57-30-1 shall be deposited, after all diversions except the diversion provided for in subsection (1) of this section, into the Sales Tax Incentive Fund created in Section 57-30-3.

(b) On or before August 15, 2007, and each succeeding month thereafter, eighty percent (80%) of the sales tax revenue collected during the preceding month under the provisions of this chapter from the operation of a tourism project under the provisions of Sections 57-26-1 through 57-26-5, shall be deposited, after the diversions required in subsections (7) and (8) of this section, into the Tourism Project Sales Tax Incentive Fund created in Section 57-26-3.

(17) Notwithstanding any other provision of this section to the contrary, on or before April 15, 2002, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under Section 27-65-23 on sales of parking services of parking garages and lots at airports shall be deposited, without diversion, into the special fund created under Section 27-5-101(d).

(18) [Repealed]

(19) (a) On or before August 15, 2005, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of this chapter on the gross proceeds of sales of a business enterprise located within a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11, and the revenue collected on the gross proceeds of sales from sales made to a business enterprise located in a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11 (provided that such sales made to a business enterprise are made on the premises of the business enterprise), shall, except as otherwise provided in this subsection (19), be deposited, after all diversions, into the Redevelopment Project Incentive Fund as created in Section 57-91-9.

(b) For a municipality participating in the Economic Redevelopment Act created in Sections 57-91-1 through 57-91-11, the diversion provided for in subsection (1) of this section

attributable to the gross proceeds of sales of a business enterprise located within a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11, and attributable to the gross proceeds of sales from sales made to a business enterprise located in a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11 (provided that such sales made to a business enterprise are made on the premises of the business enterprise), shall be deposited into the Redevelopment Project Incentive Fund as created in Section 57-91-9, as follows:

(i) For the first six (6) years in which payments are made to a developer from the Redevelopment Project Incentive Fund, one hundred percent (100%) of the diversion shall be deposited into the fund;

(ii) For the seventh year in which such payments are made to a developer from the Redevelopment Project Incentive Fund, eighty percent (80%) of the diversion shall be deposited into the fund;

(iii) For the eighth year in which such payments are made to a developer from the Redevelopment Project Incentive Fund, seventy percent (70%) of the diversion shall be deposited into the fund;

(iv) For the ninth year in which such payments are made to a developer from the Redevelopment Project Incentive Fund,

sixty percent (60%) of the diversion shall be deposited into the fund; and

(v) For the tenth year in which such payments are made to a developer from the Redevelopment Project Incentive Fund, fifty percent (50%) of the funds shall be deposited into the fund.

(20) On or before January 15, 2007, and each succeeding month thereafter, eighty percent (80%) of the sales tax revenue collected during the preceding month under the provisions of this chapter from the operation of a tourism project under the provisions of Sections 57-28-1 through 57-28-5 shall be deposited, after the diversions required in subsections (7) and (8) of this section, into the Tourism Sales Tax Incentive Fund created in Section 57-28-3.

(21) (a) On or before April 15, 2007, and each succeeding month thereafter through June 15, 2013, One Hundred Fifty Thousand Dollars ($150,000.00) of the sales tax revenue collected during the preceding month under the provisions of this chapter shall be deposited into the MMEIA Tax Incentive Fund created in Section 57-101-3.

(b) On or before July 15, 2013, and each succeeding month thereafter, One Hundred Fifty Thousand Dollars ($150,000.00) of the sales tax revenue collected during the preceding month under the provisions of this chapter shall be deposited into the Mississippi Development Authority Job Training Grant Fund created in Section 57-1-451.

(22) Notwithstanding any other provision of this section to the contrary, on or before August 15, 2009, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-201 shall be deposited, without diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

(23) The remainder of the amounts collected under the provisions of this chapter shall be paid into the State Treasury to the credit of the General Fund.

(24) (a) It shall be the duty of the municipal officials of any municipality that expands its limits, or of any community that incorporates as a municipality, to notify the commissioner of that action thirty (30) days before the effective date. Failure to so notify the commissioner shall cause the municipality to forfeit the revenue that it would have been entitled to receive during this period of time when the commissioner had no knowledge of the action.

(b) (i) Except as otherwise provided in subparagraph (ii) of this paragraph, if any funds have been erroneously disbursed to any municipality or any overpayment of tax is recovered by the taxpayer, the commissioner may make correction and adjust the error or overpayment with the municipality by withholding the necessary funds from any later payment to be made to the municipality.

(ii) Subject to the provisions of Sections 27-65-51 and 27-65-53, if any funds have been erroneously disbursed to a municipality under subsection (1) of this section for a period of three (3) years or more, the maximum amount that may be recovered or withheld from the municipality is the total amount of funds erroneously disbursed for a period of three (3) years beginning with the date of the first erroneous disbursement. However, if during such period, a municipality provides written notice to the Department of Revenue indicating the erroneous disbursement of funds, then the maximum amount that may be recovered or withheld from the municipality is the total amount of funds erroneously disbursed for a period of one (1) year beginning with the date of the first erroneous disbursement.

SECTION 2. Section 21-45-9, Mississippi Code of 1972, is amended as follows:

21-45-9. Any governing body may issue tax increment bonds, the final maturity of which shall not extend beyond thirty (30) years, for the purpose of financing all or a portion of the cost of a redevelopment project within the boundaries of the municipality, funding any reserve which the governing body may deem advisable in connection with the retirement of the proposed indebtedness and funding any other incidental expenses involved in incurring such indebtedness. The debt service of indebtedness incurred pursuant to this section shall be provided from the added increments of municipal and county ad valorem tax revenues or any

portion of the sales taxes, or both, to result from any such redevelopment project, or sales tax revenue allocated for distribution to a county under Section 27-65-75(1)(d), and shall never constitute an indebtedness of the municipality within the meaning of any state constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the municipality or a charge against its general credit or taxing powers.

Said bonds may be authorized by resolution or resolutions of the governing body, and may be issued in one or more series, may bear such date or dates, mature at such time or times, bear interest at such rate or rates, payable at such times, be in such denominations, be in such form, be registered, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, with or without premium, carry such conversion or registration privileges and be declared or become due before the maturity date thereof, as such resolution or resolutions may provide; however, such bonds shall not bear a greater interest rate to maturity than that allowed under Section 75-17-101. Said bonds shall be sold for not less than par value plus accrued interest at public sale in the manner provided by Section 31-19-25 or at private sale, in the discretion of the governing body. The lowest interest rate specified for any bonds issued shall not be less than seventy percent (70%) of the highest interest rate specified for the same bond issue. Said

bonds may be repurchased by the municipality out of any available funds at a price not to exceed the principal amount thereof and accrued interest, and all bonds so repurchased shall be cancelled. In connection with the issuance of said bonds, the municipality shall have the power to enter into contracts for rating of the bonds by national rating agencies; obtaining bond insurance or guarantees for such bonds and complying with the terms and conditions of such insurance or guarantees; make provision for payment in advance of maturity at the option of the owner or holder of the bonds; covenant for the security and better marketability of the bonds, including, without limitation, the establishment of a debt service reserve fund and sinking funds to secure or pay such bonds; and make any other provisions deemed desirable by the municipality in connection with the issuance of said bonds.

If a governing body desires to issue tax increment financing bonds under the Regional Economic Development Act, the governing body also shall comply with any requirements provided therein.

In connection with the issuance of said bonds, the municipality may arrange for lines of credit with any bank, firm or person for the purpose of providing an additional source of repayment for such bonds and amounts drawn on such lines of credit may be evidenced by bonds, notes or other evidences of indebtedness containing such terms and conditions as the municipality may determine; provided, however, that such bonds,

notes or evidences of indebtedness shall be secured by and payable from the same sources as are pledged to the payment of said bonds which are additionally secured by such line of credit, and that said bonds, notes or other evidences of indebtedness shall be deemed to be bonds for all purposes of this chapter. Pending the preparation or execution of definitive bonds, interim receipts or certificates, or temporary bonds may be delivered to the purchaser or purchasers of said bonds. Any provision of law to the contrary notwithstanding, any bonds, if any, issued pursuant to this chapter shall possess all of the qualities of negotiable instruments.

The municipality may also issue refunding bonds for the purpose of paying any of its bonds at or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at such time prior to the maturity or redemption of the refunded bonds as the municipality may determine. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issuing the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by any of the municipality's resolutions, trust indenture or other security instruments. The issuance of refunding bonds, the maturities and

other details thereof, the security therefor, the rights of the holders and the rights, duties and obligations of the municipality in respect of the same shall be governed by the provisions of this chapter relating to the issuance of bonds other than refunding bonds, insofar as the same may be applicable.

Before incurring any debt pertaining to a redevelopment project incorporating a tax increment financing plan the governing body may, but shall not be required to, secure an agreement from one or more developers obligating such developer or developers:

(a) To effect the completion of all or any portion of the buildings or other facilities or improvements, as described in the redevelopment project, at no cost to the municipality;

(b) To pay all or any portion of the real property taxes due on the project in a timely manner; and

(c) To maintain and operate all or any portion of the buildings or other facilities or improvements of the project in such a manner as to preserve property values.

No breach of any such agreement shall impose any pecuniary liability upon a municipality or any charge upon its general credit or against its taxing powers.

Additionally, the municipality may enter into an agreement with the developer under which the developer may construct all or any part of the redevelopment project with private funds in advance of issuance of the bonds and may be reimbursed by the municipality for actual costs incurred by the developer upon

issuance and delivery of the bonds and receipt of the proceeds, conditioned upon dedication of redevelopment project by the developer to the municipality to assure public use and access. This condition shall not apply to the privately owned portion of a project for which the Mississippi Development Authority has issued a certificate of convenience and necessity pursuant to the Regional Economic Development Act. In addition, this condition shall not apply to the privately owned portion of a redevelopment project where the governing body of a municipality makes a finding that it is in the best interest of such municipality that such condition shall not apply.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2444

Description: County tax assessors; increase annual salary supplement upon the completion of certain certifications.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Accountability, Efficiency, Transparency
2	01/31	(S)	Title Suff Do Pass
3	02/12	(S)	Passed {Vote}
4	02/13	(S)	Transmitted To House
5	02/19	(H)	Referred To Appropriations
6	03/05	(H)	Title Suff Do Pass
7	03/06	(H)	Passed {Vote}
8	03/07	(H)	Returned For Enrolling
9	03/11	(S)	Enrolled Bill Signed
10	03/11	(H)	Enrolled Bill Signed
11	03/15		Approved by Governor

Code Section: A 027-0003-0052

----- Additional Information -----

Senate Committee: Accountability, Efficiency, Transparency
House Committee: Appropriations

Principal Author: Blackwell
Additional Authors: Moran, Younger

Title: AN ACT TO AMEND SECTION 27-3-52, MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNT OF ADDITIONAL COMPENSATION PAID TO ANY TAX ASSESSOR AND/OR HIS DEPUTIES UPON THE SUCCESSFUL COMPLETION OF CERTAIN CERTIFICATIONS; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2444

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Senator(s) Blackwell, Moran, Younger

To: Accountability, Efficiency, Transparency

SENATE BILL NO. 2444

AN ACT TO AMEND SECTION 27-3-52, MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNT OF ADDITIONAL COMPENSATION PAID TO ANY TAX ASSESSOR AND/OR HIS DEPUTIES UPON THE SUCCESSFUL COMPLETION OF CERTAIN CERTIFICATIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-3-52, Mississippi Code of 1972, is amended as follows:

27-3-52. (1) The Department of Revenue shall promulgate rules and regulations setting forth the minimum requirements for which tax assessors and/or their deputy assessors or assistants, appropriate state employees, employees of planning and development districts or other persons may attain certification as an appraiser. The Department of Revenue shall establish and conduct such educational and training programs as may be appropriate to assist such persons in attaining such certification.

(2) Counties having not more than five thousand (5,000) applicants for homestead exemption shall have at least one (1) certified appraiser, and counties having more than five thousand (5,000) applicants for homestead exemption shall have at least two

(2) certified appraisers; however, any county may employ any certified appraiser on a part-time basis.

(3) When any tax assessor and/or his deputies or assistants travel outside of their county to attend an appraisal school, seminar or workshop approved by the Department of Revenue, such persons shall receive as reimbursement of expenses of such travel the same mileage and actual and necessary expenses for food, lodging and travel by public carrier or private motor vehicles as is allowed under Section 25-3-41. However, mileage shall not be authorized when such travel is done by a motor vehicle owned by the county.

(4) The county board of supervisors shall reimburse the assessors, tax collectors and deputies for reasonable and necessary expenses sustained in attending annual conferences, regional conferences, schools and seminars. The Department of Revenue shall have the authority to prescribe forms and to promulgate rules and regulations necessary to implement the provisions of this section. No expenses authorized herein shall be reimbursed unless the expenses have been authorized or approved by an order of the board duly made and spread upon the minutes of such board.

(5) When any tax assessor and/or his deputies or assistants attend and successfully complete all qualifications pursuant to the Mississippi Education and Certification Program and receive the certification level of Track II, Evaluator I, they shall

receive an additional * * * Two Thousand Dollars ($2,000.00) annually beginning the next fiscal year after completion.

(6) When any tax assessor and/or his deputies or assistants attend and successfully complete all qualifications pursuant to the Mississippi Education and Certification Program and receive the certification level of Track II, Evaluator II, they shall receive an additional * * * Two Thousand Dollars ($2,000.00) annually beginning the next fiscal year after completion.

(7) When any tax assessor and/or his deputies or assistants attend and successfully complete all qualifications pursuant to the Mississippi Education and Certification Program and receive the certification level of Mississippi Assessment Evaluator (MAE), they shall receive an additional * * * Two Thousand Five Hundred Dollars ($2,500.00) annually beginning the next fiscal year after completion.

(8) When any deputy tax assessor successfully completes all qualifications to become a licensed certified residential real estate appraiser under Sections 73-34-1 through 73-34-63, or completes all qualifications to earn the International Association of Assessing Officers' professional designation of Residential Evaluation Specialist (RES), on the recommendation of the tax assessor, the county board of supervisors may pay, in its discretion, an additional amount not to exceed Three Thousand Dollars ($3,000.00) annually to the deputy beginning the next fiscal year after the completion of such qualifications.

(9) When any deputy tax assessor successfully completes all qualifications to become a licensed certified general real estate appraiser under Sections 73-34-1 through 73-34-63, or completes all qualifications to earn the International Association of Assessing Officers professional designation of Certified Assessment Evaluator (CAE) on the recommendation of the tax assessor, the county board of supervisors may pay, in its discretion, an additional amount not to exceed Five Thousand Dollars ($5,000.00) annually to the deputy beginning the next fiscal year after the completion of such qualifications.

(10) The accumulative total of all educational increases authorized under subsections (5), (6), (7), (8) and (9) of this section shall not exceed * * * Eleven Thousand Five Hundred Dollars ($11,500.00) and shall be paid out of the common county fund from proceeds of the one (1) mill ad valorem tax as provided in Section 27-39-329.

(11) In order to receive the additional annual payment or payments provided for in subsections (5), (6), (7), (8) and (9) of this section, the tax assessor or deputies or assistants who completed the Mississippi Education and Certification Program and were certified as provided herein shall be personally involved in the conduct, administration and/or supervision of the appraisal of the property of the county and in the maintenance of such appraisal.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2445

Description: Pay and Trade with Confidence and Electronic Device Tampering Act; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Judiciary, Division B
2	02/05	(S) Title Suff Do Pass Comm Sub
3	02/14	(S) Committee Substitute Adopted
4	02/14	(S) Passed {Vote}
5	02/18	(S) Transmitted To House
6	02/19	(H) Referred To Judiciary B
7	03/05	(H) Title Suff Do Pass
8	03/12	(H) Read the Third Time
9	03/13	(H) Passed {Vote}
10	03/14	(H) Returned For Enrolling
11	03/19	(S) Enrolled Bill Signed
12	03/19	(H) Enrolled Bill Signed
13	03/22	Approved by Governor

----- Additional Information -----

Senate Committee: Judiciary, Division B
House Committee: Judiciary B

Principal Author: McMahan
Additional Authors: Jackson (11th)

Title: AN ACT TO CREATE THE FELONY OF POSSESSION WITH INTENT TO DEFRAUD OF A CREDIT CARD SKIMMER; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2445

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) McMahan, Jackson (11th) To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2445

AN ACT TO CREATE THE FELONY OF POSSESSION WITH INTENT TO DEFRAUD OF A CREDIT CARD SKIMMER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) For the purposes of this section, the following terms shall have the meanings ascribed to them unless the context clearly requires otherwise:

(a) "Cardholder" means any person:

(i) Named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer; or

(ii) In possession of a credit card with the consent of the person to whom the credit card was issued.

(b) "Credit card" means:

(i) Any instrument or device, whether known as a credit card, charge card, credit plate, courtesy card, identification card or any other name that is issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, either on credit or in consideration of an undertaking or guaranty by the

issuer of the payment of a check drawn by the cardholder, on a promise to pay in part or in full therefor at a future time, whether or not all or any part of the indebtedness that is represented by the promise to make deferred payment is secured or unsecured.

(ii) A debit card, electronic benefit transfer card or other access instrument or device, other than a check that is signed by the holder or other authorized signatory on the deposit account, that draws funds from a deposit account in order to obtain money, goods, services or anything else of value.

(iii) A stored value card, smart card or other instrument or device that enables a person to obtain goods, services or anything else of value through the use of value stored on the card instrument or device.

(iv) The number that is assigned the card, instrument or device, even if the physical card, instrument or device is not used or presented.

(c) "Issuer" means any business organization, state agency or financial institution, or its duly authorized agent, that issues a credit card.

(d) "Merchant" means a person who is authorized under a written contract with a participating party to furnish money, goods, services or anything else of value on presentation of a credit card by a cardholder.

(e) "Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card.

(f) "Scanning device" means a scanner, reader, skimmer or other electronic device that is used to access, read, scan, obtain, memorize or store, temporarily or permanently, information that is encoded on a magnetic strip or stripe of a credit card.

(2) (a) It is unlawful for a person to possess a scanning device or reencoder without the permission of the cardholder of the credit card from which the information is being scanned or reencoded with the intent to defraud the cardholder, the issuer or a merchant.

(b) A person who violates this section commits a felony punishable, upon conviction thereof, by imprisonment not to exceed five (5) years, a fine not to exceed Ten Thousand Dollars ($10,000.00), or both.

SECTION 2. This act shall be known as the Pay and Trade with Confidence and Electronic Device Tampering Act.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2447

Description: Career and technical grants to schools for qualified students; provide for.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Education; Appropriations
2	01/30	(S) DR - TSDP: ED To AP
3	01/31	(S) Title Suff Do Pass
4	02/12	(S) Passed {Vote}
5	02/13	(S) Transmitted To House
6	02/19	(H) Referred To Education; Appropriations
7	03/04	(H) DR - TSDPAA: ED To AP
8	03/05	(H) DR - TSDPAA: AP To ED
9	03/05	(H) Title Suff Do Pass As Amended
10	03/12	(H) Amended
11	03/12	(H) Passed As Amended {Vote}
12	03/13	(H) Returned For Concurrence
13	03/20	(S) Concurred in Amend From House {Vote}
14	03/26	(S) Enrolled Bill Signed
15	03/26	(H) Enrolled Bill Signed
16	03/29	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2447

----- Additional Information -----

Senate Committee: Education, Appropriations
House Committee: Education, Appropriations

Principal Author: Tollison
Additional Authors: Moran, Jackson (32nd), Jackson (11th)

Title: AN ACT TO CODIFY SECTION 37-153-15, MISSISSIPPI CODE OF 1972, TO PROVIDE CAREER AND TECHNICAL EDUCATION GRANTS THROUGH THE STATE BOARD OF EDUCATION AND THE STATE WORKFORCE INVESTMENT

BOARD (SWIB) TO SCHOOLS FOR EACH STUDENT WHO EARNS A QUALIFYING INDUSTRY CERTIFICATION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Tollison, Moran, Jackson (32nd), Jackson (11th)

To: Education; Appropriations

SENATE BILL NO. 2447
(As Sent to Governor)

AN ACT TO CODIFY SECTION 37-153-15, MISSISSIPPI CODE OF 1972, TO PROVIDE CAREER AND TECHNICAL EDUCATION GRANTS THROUGH THE STATE BOARD OF EDUCATION AND THE STATE WORKFORCE INVESTMENT BOARD (SWIB) TO SCHOOLS FOR EACH STUDENT WHO EARNS A QUALIFYING INDUSTRY CERTIFICATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 37-153-15, Mississippi Code of 1972:

37-153-15. (1) As used in this chapter:

(a) The words "industry certification" mean a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills and competencies, resulting in the award of a credential that is nationally recognized and must be at least one (1) of the following:

(i) Within an industry that addresses a critical local, regional or statewide economic need;

(ii) Linked to an occupation that is included in the State Department of Employment Security's occupations in high-demand list; or

(iii) Linked to an occupation that is identified as emerging.

(b) The words "qualifying industry certification" mean an industry certification that is linked to an occupation with wages of at least seventy percent (70%) of the average annual wage in this state unless the industry certification is stackable to another postsecondary or professional credential which is linked to an occupation which meets the wage criterion.

(2) The State Workforce Investment Board shall provide the State Board of Education annually with a list of qualifying industry certifications. If the occupations identified in the list are not substantially the same as those occupations identified in the prior year, the State Board of Education shall provide reasonable notice of the changes to school districts.

(3) Beginning in fiscal year 2019-2020 and subject to available funding, the Department of Education shall pay a career and technical education incentive grant to the public school for each student enrolled in the public school who earns a qualifying industry certification. The amount per student for the career and technical education incentive grant shall be Six Hundred Dollars ($600.00). If the statewide sum of the career and technical education incentive grants awarded pursuant to this section

exceeds the amount of available funds appropriated for the grants, the grants per student shall be reduced proportionately to cover all eligible grants under this section.

(4) The grants may be used for qualifying industry certification examination fees, professional development for teachers in career and technical education programs under this section, student instructional support for programs that lead to qualifying industry certifications, or to increase access to qualifying industry certifications. Any grants awarded under this section may not be used to supplant funds provided for the basic operation of the career and technical education programs.

(5) On or before July 1 of each year, the Department of Education shall submit a report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Chairmen of the House and Senate Education Committees, the Chairman of the House Workforce Development Committee and the Chairman of the Senate Labor Committee on the following:

(a) The number of students who enrolled in a career and technical education course or program that leads to a qualifying industry certification.

(b) The number of students who earned a qualifying industry certification by certification.

(c) The amount of career and technical education incentive grants awarded by the school.

(d) The amount of career and technical education incentive grants awarded per student.

(e) Aggregated demographic data on the students who earned a qualifying industry certification, including the qualifying industry certifications earned by rural and urban students.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2449

Description: Education of students in juvenile detention facilities; define responsibility of home school district.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Education; Appropriations
2	01/30	(S)	DR - TSDP: ED To AP
3	02/05	(S)	Title Suff Do Pass
4	02/11	(S)	Passed {Vote}
5	02/12	(S)	Transmitted To House
6	02/19	(H)	Referred To Education; Appropriations
7	03/04	(H)	DR - TSDPAA: ED To AP
8	03/05	(H)	DR - TSDPAA: AP To ED
9	03/05	(H)	Title Suff Do Pass As Amended
10	03/12	(H)	Amended
11	03/12	(H)	Passed As Amended {Vote}
12	03/14	(H)	Returned For Concurrence
13	03/21	(S)	Concurred in Amend From House {Vote}
14	03/26	(S)	Enrolled Bill Signed
15	03/26	(H)	Enrolled Bill Signed
16	03/29		Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 to Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2449

Code Section: A 043-0021-0321

----- Additional Information -----

Senate Committee: Education, Appropriations
House Committee: Education, Appropriations

Principal Author: Tollison
Additional Authors: Jackson (11th)

2019 GENERAL LAWS OF MISSISSIPPI SB 2449

Title: AN ACT TO AMEND SECTION 43-21-321, MISSISSIPPI CODE OF 1972, TO DEFINE THE RESPONSIBILITY OF THE HOME SCHOOL DISTRICT AND THE SPONSORING SCHOOL DISTRICT TO PROVIDE EDUCATION FOR STUDENTS IN JUVENILE DETENTION FACILITIES, TO REQUIRE LOCAL SCHOOL DISTRICTS TO PROVIDE RELEVANT RECORDS OF DETAINED STUDENTS IN ACCORDANCE WITH STATE BOARD OF EDUCATION POLICY, TO PROVIDE FOR A REQUIRED SUMMER COURSE FOR SUCH STUDENTS FOCUSING ON MATHEMATICS AND LANGUAGE ARTS AND TO AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO PROMULGATE RULES AND REGULATIONS RELATED TO THE EDUCATION OF CHILDREN HOUSED IN A JUVENILE DETENTION FACILITY; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2449

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Tollison, Jackson (11th)

To: Education; Appropriations

SENATE BILL NO. 2449
(As Sent to Governor)

AN ACT TO AMEND SECTION 43-21-321, MISSISSIPPI CODE OF 1972, TO DEFINE THE RESPONSIBILITY OF THE HOME SCHOOL DISTRICT AND THE SPONSORING SCHOOL DISTRICT TO PROVIDE EDUCATION FOR STUDENTS IN JUVENILE DETENTION FACILITIES, TO REQUIRE LOCAL SCHOOL DISTRICTS TO PROVIDE RELEVANT RECORDS OF DETAINED STUDENTS IN ACCORDANCE WITH STATE BOARD OF EDUCATION POLICY, TO PROVIDE FOR A REQUIRED SUMMER COURSE FOR SUCH STUDENTS FOCUSING ON MATHEMATICS AND LANGUAGE ARTS AND TO AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO PROMULGATE RULES AND REGULATIONS RELATED TO THE EDUCATION OF CHILDREN HOUSED IN A JUVENILE DETENTION FACILITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-21-321, Mississippi Code of 1972, is amended as follows:

43-21-321. (1) All juvenile detention centers shall develop and implement policies and procedures that comply with the regulations promulgated by the Juvenile Facilities Monitoring Unit.

(2) If a student's detention will cause the student to miss one or more days of school during the academic school year or special education services when required by state and federal law or when designated on a student's Individualized Education Program

(IEP), the detention center staff shall notify school district officials where the detainee last attended school by the first school day following the student's placement in the facility. Detention center staff shall not disclose youth court records to the school district, except as provided by Section 43-21-261.

(3) All juvenile detention centers shall adhere to the following minimum standards:

(a) Each center shall have a manual that states the policies and procedures for operating and maintaining the facility, and the manual shall be reviewed annually and revised as needed;

(b) Each center shall have a policy that specifies support for a drug-free workplace for all employees, and the policy shall, at a minimum, include the following:

(i) The prohibition of the use of illegal drugs;

(ii) The prohibition of the possession of any illegal drugs except in the performance of official duties;

(iii) The procedure used to ensure compliance with a drug-free workplace policy;

(iv) The opportunities available for the treatment and counseling for drug abuse; and

(v) The penalties for violation of the drug-free workplace policy; and

(c) Each center shall have a policy, procedure and practice that ensures that personnel files and records are current, accurate and confidential.

(4) Local school districts shall work collaboratively with juvenile detention center staff to provide special education services as required by state and federal law. Upon the written request of the youth court judge for the county in which the detention center is located, a local school district in the county in which the detention center is located, or a private provider agreed upon by the youth court judge and sponsoring school district, shall provide a certified teacher to provide educational services to detainees. The youth court judge shall designate the school district which shall be defined as the sponsoring school district. The local home school district shall be defined as the school district where the detainee * * * was last enrolled. Detainees who have received a High School Equivalency diploma shall be provided remedial instruction in math and language arts, or other areas as determined by the sponsoring school district, which may be computer-based instruction, as well as career counseling opportunities. Teacher selection shall be in consultation with the youth court judge. The Legislature shall annually appropriate sufficient funds for the provision of educational services, as provided under this section, to detainees in detention centers.

(5) To ensure students in youth detention facilities continue to receive appropriate educational services, local education agencies (LEAs) must have policies and procedures to ensure the relevant records of students who move to, and from, youth detention facilities are sent to and received from the sponsoring school district as soon as practicable to enable the effective delivery of educational services.

(* * *6) The sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district, shall be responsible for providing the instructional program and, when required by state and federal law, special education services, for the detainee while in detention during the sponsoring school district's academic calendar and a six-week summer enrichment program, the dates which are determined by the sponsoring school district. The enrichment program shall be facilitated by certified or classified district staff and shall be focused academically on mathematics and English language arts instruction, and may include other primary core subject areas, including character education. The six-week enrichment program shall not set aside any guidelines set forth by the Individuals with Disabilities Education Act. The summer enrichment program may be computer-based and have an abbreviated school day that shall not be less than four (4) hours per day. After forty-eight (48) hours of detention * * * during the sponsoring school district's academic calendar and six-week enrichment program, the

detainee shall receive the following services which may be computer-based:

(a) Diagnostic assessment of grade-level mastery of reading and math skills;

(b) Individualized instruction and practice to address any weaknesses identified in the assessment conducted under paragraph (a) of this subsection if the detainee is in the center for more than forty-eight (48) hours during the sponsoring school district's academic calendar and six-week enrichment program; and

(c) Character education to improve behavior.

(* * *7). No later than the tenth day of detention during the sponsoring school district's academic calendar and six-week enrichment program, the detainee shall begin an extended detention education program. A team consisting of a certified teacher provided by the local sponsoring school district or a private provider agreed upon by the youth court judge and sponsoring school district, the appropriate official from the local home school district, and the youth court counselor or representative will develop an individualized * * * academic program (IAP) for the detainee, where appropriate as determined by the teacher of the sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district. The detainee's parent or guardian shall participate on the team unless excused by the youth court judge. Failure of any party to participate shall not delay implementation of this education

program. Any student identified under IDEA will utilize the student's current IEP in lieu of the IAP.

(8) It shall be the responsibility of the student's local home school district school to ensure that all related services identified on a student's IEP are provided in accordance with the student's IEP.

(9) It shall be the responsibility of the student's local home school district to collaborate with the sponsoring school district to ensure that all students, including students with disabilities, are appropriately included in general state and district-wide assessments, including assessments required by the Elementary and Secondary Education Act of 1965 (ESEA), as amended, and state law.

(10) Teachers in youth detention facilities serving IDEA-eligible students must be licensed with endorsements required by state and federal law, and related services personnel and paraprofessionals must meet state and federal qualifications for those personnel.

(* * *11) The sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district, shall provide the detention center with an appropriate and adequate computer lab to serve detainees. The Legislature shall annually appropriate sufficient funds to equip and maintain the computer labs. The computer lab shall become the

property of the detention centers and the sponsoring school districts shall maintain and update the labs.

(* * *12) The Mississippi Department of Education will collaborate with the appropriate state and local agencies, juvenile detention centers and local school districts to ensure the provision of educational services to every student placed in a juvenile detention center. The Mississippi Department of Education has the authority to develop and promulgate policies and procedures regarding financial reimbursements to the sponsoring school district from school districts that have students of record or compulsory-school-age residing in said districts placed in a youth detention center. Such services may include, but not be limited to: assessment and math and reading instruction, character education and behavioral counseling. The Mississippi Department of Education shall work with the appropriate state and local agencies, juvenile detention centers and local school districts to annually determine the proposed costs for educational services to youth placed in juvenile detention centers and annually request sufficient funding for such services as necessary.

(* * *13) Juvenile detention centers shall ensure that staffs create transition planning for youth leaving the facilities. This process shall be led by the student's youth court counselor, and shall include staff from the educational center. Plans shall include providing the youth and his or her

parents or guardian with copies of the youth's detention center education and health records, information regarding the youth's home community, referrals to mental and counseling services when appropriate, and providing assistance in making initial appointments with community service providers; the transition team will work together to help the detainee successfully transition back into the home school district once released from detention. The transition team will consist of a certified teacher provided by the local sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district, the appropriate official from the local home school district, the school attendance officer assigned to the local home school district, and the youth court counselor or representative. The detainee's parent or guardian shall participate on the team unless excused by the youth court judge. Failure of any party to participate shall not delay implementation of this education program.

(14) Student's records, including grades and attendance, shall be part of the student's transition and submitted to the receiving school district for review. Grades received from the Juvenile Detention Center (JDC) education program shall be incorporated into each student's academic performance grade.

(* * *15) The Mississippi Department of Public Safety Juvenile Detention Facilities Monitoring Unit shall monitor the detention facilities for compliance with these minimum standards,

and no child shall be housed in a detention facility the monitoring unit determines is substantially out of compliance with the standards prescribed in this section. In accordance with Section 43-21-907(5), Mississippi Code of 1972, the Mississippi Department of Education has the authority to promulgate rules and regulations related to the education of all children housed in a juvenile detention facility, to conduct inspections of the facility's educational services at least annually or more often as deemed necessary and shall provide the licensing agency with its determination of the facility's compliance with the education provisions. The licensing agency shall use the information in its determination of the facility's eligibility for licensure. It is the intention of the Legislature that the implementation of the provisions of Section 43-21-321 shall not create accountability or accreditation requirements or standards upon the sponsoring school district or the home district that are greater, more restrictive or more demanding than those requirements imposed upon local school districts in the provision of educational services to the general population of students.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2451

Description: Appraisal management companies; extend repealer on statute requiring the registration of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Business and Financial Institutions
2	01/30	(S)	Title Suff Do Pass
3	02/06	(S)	Passed {Vote}
4	02/07	(S)	Transmitted To House
5	02/19	(H)	Referred To Banking and Financial Services
6	03/05	(H)	Title Suff Do Pass
7	03/12	(H)	Passed {Vote}
8	03/13	(H)	Returned For Enrolling
9	03/19	(S)	Enrolled Bill Signed
10	03/19	(H)	Enrolled Bill Signed
11	03/22		Approved by Governor

Code Section: RA 073-0034-0103

----- Additional Information -----

Senate Committee: Business and Financial Institutions
House Committee: Banking and Financial Services

Principal Author: Parks

Title: AN ACT TO REENACT SECTION 73-34-103, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS AN APPRAISAL MANAGEMENT COMPANY FROM ENGAGING IN OR CONDUCTING BUSINESS IN THIS STATE WITHOUT FIRST OBTAINING A REGISTRATION ISSUED BY THE MISSISSIPPI REAL ESTATE APPRAISER LICENSING AND CERTIFICATION BOARD; TO AMEND SECTION 73-34-103, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER THEREON; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2451

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Parks

To: Business and Financial Institutions

SENATE BILL NO. 2451

AN ACT TO REENACT SECTION 73-34-103, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS AN APPRAISAL MANAGEMENT COMPANY FROM ENGAGING IN OR CONDUCTING BUSINESS IN THIS STATE WITHOUT FIRST OBTAINING A REGISTRATION ISSUED BY THE MISSISSIPPI REAL ESTATE APPRAISER LICENSING AND CERTIFICATION BOARD; TO AMEND SECTION 73-34-103, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER THEREON; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-34-103, Mississippi Code of 1972, is reenacted and amended as follows:

73-34-103. (1) It is unlawful for a person to directly or indirectly engage or attempt to engage in business as an appraisal management company in this state or to advertise or hold itself out as engaging in or conducting business as an appraisal management company in this state without first obtaining a registration issued by the Mississippi Real Estate Appraiser Licensing and Certification Board under the provisions of this chapter.

(a) An applicant for registration as an appraisal management company in this state shall submit to the Mississippi

Real Estate Commission an application on a form or forms prescribed by the board accompanied by an original or certified copy of a surety bond payable to the State of Mississippi in the amount of Twenty Thousand Dollars ($20,000.00) for the use, benefit and indemnity of any person who suffers any damage or loss as a result of the appraisal management company's breach of contract or of any obligation arising therefrom or any violation of law.

(b) In the event a registration process is unavailable on December 1, 2013, an appraisal management company already conducting business in this state may continue to conduct business in accordance with Sections 73-34-101 through 73-34-131 until one hundred twenty (120) days after a registration process becomes available.

(2) An application for the registration required by subsection (1) of this section shall, at a minimum, include:

(a) The name of the person seeking registration and the fictitious name or names under which he does business in any state;

(b) The business address of the entity seeking registration;

(c) The phone contact information of the entity seeking registration;

(d) If the person is not a corporation that is domiciled in this state, the name and contact information for the person's agent for service of process in this state;

(e) The name, address, and contact information for any individual or any corporation, partnership, or other business entity that owns ten percent (10%) or more of the appraisal management company;

(f) The name, address, and contact information for one (1) controlling person designated as the main contact for all communication between the appraisal management company and the commission;

(g) A certification that the person has a system and process in place to verify that a person being added to the appraiser panel of the appraisal management company holds a license in good standing in this state under the Real Estate Appraiser Licensing and Certification Act if a license or certification is required to perform appraisals;

(h) A certification that the person requires appraisers completing appraisals at its request to comply with the Uniform Standards of Professional Appraisal Practice (USPAP), including the requirements for geographic and product competence;

(i) A certification that the person has a system in place to verify that only licensed or certified appraisers are used for federally related transactions;

(j) A certification that the person has a system in place to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under Section 129E of the Truth in Lending Act, including the requirements for payment of a reasonable and customary fee to appraisers when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer;

(k) A certification that the person maintains a detailed record of each service request that it receives and the appraiser that performs the residential real estate appraisal services for the appraisal management company;

(l) An irrevocable Consent to Service of Process required under Section 73-34-107;

(m) Any other information required by the board which is reasonably necessary to implement Sections 73-34-101 through 73-34-131.

(3) An application for the renewal of a registration shall include substantially similar information required for the initial registration as noted in subsection (2), as determined by the board.

(4) A registration granted by the commission under the provisions of Sections 73-34-101 through 73-34-131 shall be valid for one (1) year from the date on which it is issued.

(5) The provisions of this section shall stand repealed on July 1, * * * 2022.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2452

Description: Occupational licensing boards; require prompt licensure for certain military spouse applicants.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/21	(S) Referred To Veterans and Military Affairs
2	01/30	(S) Title Suff Do Pass
3	02/06	(S) Amended
4	02/06	(S) Passed As Amended {Vote}
5	02/08	(S) Transmitted To House
6	02/19	(H) Referred To Military Affairs
7	02/26	(H) Title Suff Do Pass
8	03/12	(H) Amended
9	03/12	(H) Passed As Amended {Vote}
10	03/14	(H) Returned For Concurrence
11	03/20	(S) Concurred in Amend From House {Vote}
12	03/26	(S) Enrolled Bill Signed
13	03/26	(H) Enrolled Bill Signed
14	03/29	Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2452

Code Section: A 073-0050-0001

----- Additional Information -----

Senate Committee: Veterans and Military Affairs
House Committee: Military Affairs

Principal Author: Parker
Additional Authors: Younger, Moran, Massey

2019 GENERAL LAWS OF MISSISSIPPI SB 2452

Title: AN ACT TO AMEND SECTION 73-50-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN OCCUPATIONAL LICENSING BOARD ISSUING A LICENSE, CERTIFICATION OR REGISTRATION TO A MILITARY SPOUSE SHALL APPROVE OR DENY THE APPLICATION WITHIN A CERTAIN AMOUNT OF TIME IF THE SPOUSE'S ORDERS ARE IN MISSISSIPPI FOR 36 MONTHS OR LESS; TO REQUIRE OCCUPATIONAL LICENSING BOARDS TO ADOPT RULES NECESSARY TO IMPLEMENT THIS SECTION BY A CERTAIN DATE; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2452

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Senator(s) Parker, Younger, Moran, Massey

To: Veterans and Military Affairs

SENATE BILL NO. 2452
(As Sent to Governor)

AN ACT TO AMEND SECTION 73-50-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN OCCUPATIONAL LICENSING BOARD ISSUING A LICENSE, CERTIFICATION OR REGISTRATION TO A MILITARY SPOUSE SHALL APPROVE OR DENY THE APPLICATION WITHIN A CERTAIN AMOUNT OF TIME IF THE SPOUSE'S ORDERS ARE IN MISSISSIPPI FOR 36 MONTHS OR LESS; TO REQUIRE OCCUPATIONAL LICENSING BOARDS TO ADOPT RULES NECESSARY TO IMPLEMENT THIS SECTION BY A CERTAIN DATE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-50-1, Mississippi Code of 1972, is amended as follows:

73-50-1. (1) As used in this section, the term:

(a) "License" means any license (other than a privilege license), certificate or other evidence of qualification that an individual is required to obtain before he or she may engage in or represent himself or herself to be a member of a particular profession or occupation.

(b) "Occupational licensing board" means any state board, commission, department or other agency in Mississippi that is established for the primary purpose of regulating the entry of persons into, and/or the conduct of persons within, a particular

profession or occupation, and which is authorized to issue licenses. For the purposes of this section, the State Department of Education shall be considered an occupational licensing board when issuing teacher licenses under Section 37-3-2.

(2) Notwithstanding any other provision of law, an occupational licensing board shall issue a license, certification or registration to a military-trained applicant to allow the applicant to lawfully practice the applicant's occupation in Mississippi if, upon application to an occupational licensing board, the applicant satisfies the following conditions:

(a) Has been awarded a military occupational specialty and has done all of the following at a level that is substantially equivalent to or exceeds the requirements for licensure, certification or registration of the occupational licensing board from which the applicant is seeking licensure, certification or registration in this state: completed a military program of training, completed testing or equivalent training and experience as determined by the board, and performed in the occupational specialty.

(b) Has engaged in the active practice of the occupation for which the person is seeking a license, certification or permit from the occupational licensing board in this state for at least two (2) of the five (5) years preceding the date of the application under this section.

(c) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in this state at the time the act was committed.

(d) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification or registration in this state.

(3) Notwithstanding any other provision of law, an occupational licensing board shall issue a license, certification or registration to a military spouse to allow the military spouse to lawfully practice the military spouse's occupation in Mississippi if, upon application to an occupational licensing board, the military spouse satisfies the following conditions:

(a) Holds a current license, certification or registration from another jurisdiction, and that jurisdiction's requirements for licensure, certification or registration are substantially equivalent to or exceed the requirements for licensure, certification or registration of the occupational licensing board for which the applicant is seeking licensure, certification or registration in this state.

(b) Can demonstrate competency in the occupation through methods as determined by the board, such as having completed continuing education units or having had recent experience for at least two (2) of the five (5) years preceding the date of the application under this section.

(c) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in this state at the time the act was committed.

(d) Is in good standing and has not been disciplined by the agency that had jurisdiction to issue the license, certification or permit.

(e) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification or registration in this state.

(4) An occupational licensing board issuing a license, certification or registration to a military spouse pursuant to subsection (3) of this section shall issue or deny the license, certification or registration within four (4) months of the military spouse's application if the spouse's orders are in Mississippi for thirty-six (36) months or less.

(* * *5) All relevant experience of a military service member in the discharge of official duties or, for a military spouse, all relevant experience, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity, shall be credited in the calculation of years of practice in an occupation as required under subsection (2) or (3) of this section.

(* * *6) A nonresident licensed, certified or registered under this section shall be entitled to the same rights and

subject to the same obligations as required of a resident licensed, certified or registered by an occupational licensing board in this state.

(* * *7) An occupational licensing board may issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under subsection (2) or (3) of this section if that jurisdiction has licensure, certification or registration standards substantially equivalent to the standards for licensure, certification or registration of an occupational licensing board in this state. The military-trained applicant or military spouse may practice under the temporary permit until a license, certification or registration is granted or until a notice to deny a license, certification or registration is issued in accordance with rules adopted by the occupational licensing board.

(* * *8) An occupational licensing board * * * shall adopt rules necessary to implement this section by January 1, 2020.

(* * *9) Nothing in this section shall be construed to prohibit a military-trained applicant or military spouse from proceeding under the existing licensure, certification or registration requirements established by an occupational licensing board in this state.

(* * *10) Nothing in this section shall be construed to apply to the practice of law as regulated under Section 73-3-1 et seq.

(11) An occupational licensing board issuing a license, certification or registration pursuant to this chapter is encouraged to reduce the fees required by the occupational licensing board for which the applicant is seeking licensure, certification or registration in this state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

Senate Bill 2470

Description: Forgery; revise penalty for.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Judiciary, Division B
2	01/31	(S) Title Suff Do Pass
3	02/13	(S) Amendment Failed
4	02/13	(S) Passed {Vote}
5	02/14	(S) Transmitted To House
6	02/19	(H) Referred To Judiciary B
7	03/05	(H) Title Suff Do Pass
8	03/12	(H) Read the Third Time
9	03/13	(H) Passed {Vote}
10	03/13	(H) Motion to Reconsider Entered (Lamar, Cockerham, Bailey)
11	03/14	(H) Motion to Reconsider Tabled
12	03/14	(H) Returned For Enrolling
13	03/19	(S) Enrolled Bill Signed
14	03/19	(H) Enrolled Bill Signed
15	03/22	Approved by Governor

Amendments:

[S] Amendment No 1Lost Voice Vote

Code Section: A 097-0021-0033, A 097-0021-0013, A 097-0021-0015, A 097-0021-0017

----- Additional Information -----

Senate Committee: Judiciary, Division B
House Committee: Judiciary B

Principal Author: Fillingane

Title: AN ACT TO AMEND SECTION 97-21-33, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTIES FOR CERTAIN FORGERIES; TO AMEND SECTION 97-21-13, MISSISSIPPI CODE OF 1972, TO APPLY THE PROHIBITION AGAINST

COUNTERFEITING TO PAPER CURRENCY AS WELL AS TO GOLD AND SILVER COINS; TO AMEND SECTION 97-21-15, MISSISSIPPI CODE OF 1972, TO APPLY THE PROHIBITION AGAINST COUNTERFEITING FOREIGN MONEY TO PAPER CURRENCY AS WELL AS TO GOLD AND SILVER COINS; TO AMEND SECTION 97-21-17, MISSISSIPPI CODE OF 1972, TO APPLY THE PROHIBITION AGAINST THE POSSESSION OF COUNTERFEITED MONEY TO PAPER CURRENCY AS WELL AS TO GOLD AND SILVER COINS; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2470

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Fillingane To: Judiciary, Division B

SENATE BILL NO. 2470

AN ACT TO AMEND SECTION 97-21-33, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTIES FOR CERTAIN FORGERIES; TO AMEND SECTION 97-21-13, MISSISSIPPI CODE OF 1972, TO APPLY THE PROHIBITION AGAINST COUNTERFEITING TO PAPER CURRENCY AS WELL AS TO GOLD AND SILVER COINS; TO AMEND SECTION 97-21-15, MISSISSIPPI CODE OF 1972, TO APPLY THE PROHIBITION AGAINST COUNTERFEITING FOREIGN MONEY TO PAPER CURRENCY AS WELL AS TO GOLD AND SILVER COINS; TO AMEND SECTION 97-21-17, MISSISSIPPI CODE OF 1972, TO APPLY THE PROHIBITION AGAINST THE POSSESSION OF COUNTERFEITED MONEY TO PAPER CURRENCY AS WELL AS TO GOLD AND SILVER COINS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-21-33, Mississippi Code of 1972, is amended as follows:

97-21-33. (1) * * * Except as provided in subsection (2) of this section for offenses under Sections 97-21-13, 97-21-15, 97-21-17 and 97-21-23, a person convicted of forgery shall be punished as follows:

(a) When the amount of value involved is under One Thousand Dollars ($1,000.00) * * *, by imprisonment in the county jail for a term of not more than six (6) months, or by a fine of not more than One Thousand Dollars ($1,000.00), or both, if the

court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars ($1,000.00), or both. * * * A person convicted of a third or subsequent offense under this * * * paragraph (a), where the value of the property is not less than Five Hundred Dollars ($500.00), shall be punished by imprisonment in the Penitentiary for a term not exceeding three (3) years or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.

(* * *b) * * * When the amount of value involved is One Thousand Dollars ($1,000.00) or more but less than Five Thousand Dollars ($5,000.00) * * *, by imprisonment in the Penitentiary for a term not more than five (5) years, or a fine of not more than Ten Thousand Dollars ($10,000.00), or both.

(* * *c) * * * When the amount of value involved is Five Thousand Dollars ($5,000.00) or more, but less than Twenty-five Thousand Dollars ($25,000.00) * * *, by imprisonment in the Penitentiary for a term not exceeding ten (10) years, or * * * a fine of not more than Ten Thousand Dollars ($10,000.00), or both.

(* * *d) * * * When the amount of value involved is Twenty-five Thousand Dollars ($25,000.00) or more, * * * by

imprisonment in the Penitentiary for a term not exceeding twenty (20) years, or be fined not more than Ten Thousand Dollars ($10,000.00), or both. * * *

(2) A person convicted of forgery under any of the following: Section 97-21-13, relating to counterfeiting of currency or treasury notes of the United States; Section 97-21-15, relating to the counterfeiting of currency of a foreign government; Section 97-21-17, relating to possession of counterfeited currency; or Section 97-21-23, relating to engraving or possessing a plate to counterfeit certain notes, bills, drafts, checks and other evidence of debt, shall be guilty of a felony and shall be punished as follows:

(a) When the amount of value involved is less than Five Thousand Dollars ($5,000.00), by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, or a fine of not more than Ten Thousand Dollars ($10,000.00), or both;

(b) When the amount of value involved is Five Thousand Dollars ($5,000.00) or more, but less than Twenty-five Thousand Dollars ($25,000.00), by imprisonment in the custody of the Department of Corrections for a term not exceeding ten (10) years, or a fine of not more than Ten Thousand Dollars ($10,000.00), or both;

(c) When the amount of value involved is Twenty-five Thousand Dollars ($25,000.00) or more, by imprisonment for a term

not exceeding twenty (20) years, or a fine of not more than Ten Thousand Dollars ($10,000.00), or both.

(3) The total value of the forgery by the person from a single victim shall be aggregated in determining the gravity of the offense.

SECTION 2. Section 97-21-13, Mississippi Code of 1972, is amended as follows:

97-21-13. Every person who shall be convicted of having counterfeited any * * * currency which shall be at the time current, by custom or usage, within this state, or the treasury notes of the United States, shall be guilty of forgery.

SECTION 3. Section 97-21-15, Mississippi Code of 1972, is amended as follows:

97-21-15. Every person who shall be convicted of having counterfeited * * * currency of any foreign government or country, with the intent of exporting the same to injure or defraud any foreign government or the subjects or citizens thereof, shall be guilty of forgery.

SECTION 4. Section 97-21-17, Mississippi Code of 1972, is amended as follows:

97-21-17. Every person who shall have in his possession any counterfeit of any * * * currency, which shall be at the time current in this state, knowing the same to be counterfeited, with intention to defraud or injure, by uttering the same, as true or

false, or by causing the same to be so uttered, shall be guilty of forgery.

SECTION 5. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2524

Description: Mississippi Rural Physicians Scholarship Residency Program; include psychiatry students.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Public Health and Welfare; Appropriations
2	01/29	(S)	DR - TSDPCS: PH To AP
3	01/31	(S)	Title Suff Do Pass Comm Sub
4	02/12	(S)	Committee Substitute Adopted
5	02/12	(S)	Amended
6	02/12	(S)	Passed As Amended {Vote}
7	02/14	(S)	Transmitted To House
8	02/19	(H)	Referred To Public Health and Human Services; Appropriations
9	02/27	(H)	DR - TSDPAA: PH To AP
10	02/27	(H)	DR - TSDPAA: AP To PH
11	02/27	(H)	Title Suff Do Pass As Amended
12	03/12	(H)	Read the Third Time
13	03/13	(H)	Amended
14	03/13	(H)	Passed As Amended {Vote}
15	03/13	(H)	Motion to Reconsider Entered (Lamar, Mims, Johnson (87th))
16	03/14	(H)	Motion to Reconsider Tabled
17	03/14	(H)	Returned For Concurrence
18	03/19	(S)	Concurred in Amend From House {Vote}
19	03/25	(S)	Enrolled Bill Signed
20	03/25	(H)	Enrolled Bill Signed
21	03/29		Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote

Amendment Report for Senate Bill No. 2524

Code Section: A 037-0144-0003, A 037-0144-0005, A 037-0144-0007

----- Additional Information -----

Senate Committee: Public Health and Welfare, Appropriations
House Committee: Public Health and Human Services, Appropriations

Principal Author: Doty
Additional Authors: Jackson (32nd), Jackson (11th)

Title: AN ACT TO AMEND SECTION 37-144-3, MISSISSIPPI CODE OF 1972, TO ADD A LICENSED PSYCHIATRIST AS A MEMBER OF THE MISSISSIPPI RURAL PHYSICIANS SCHOLARSHIP COMMISSION; TO AMEND SECTION 37-144-5, MISSISSIPPI CODE OF 1972, TO INCLUDE THE AMERICAN PSYCHIATRIC ASSOCIATION AMONG THE ORGANIZATIONS FROM WHICH THE COMMISSION SHALL SEEK INPUT REGARDING THE IMPLEMENTATION OF THE MISSISSIPPI RURAL PHYSICIANS SCHOLARSHIP PROGRAM; TO AMEND SECTION 37-144-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION TO GRANT AN EXCEPTION FOR FOURTH-YEAR MEDICAL SCHOOL STUDENTS WHO DEMONSTRATE A DESIRE TO PRACTICE PSYCHIATRY IN RURAL MISSISSIPPI AND WHO USE A PRACTICE MODEL AND ENTER THE PRACTICE OF MEDICINE IN A RURAL OR UNDERSERVED AREA IN MISSISSIPPI; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2524

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Doty, Jackson (32nd), Jackson (11th)

To: Public Health and Welfare; Appropriations

SENATE BILL NO. 2524
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-144-3, MISSISSIPPI CODE OF 1972, TO ADD A LICENSED PSYCHIATRIST AS A MEMBER OF THE MISSISSIPPI RURAL PHYSICIANS SCHOLARSHIP COMMISSION; TO AMEND SECTION 37-144-5, MISSISSIPPI CODE OF 1972, TO INCLUDE THE AMERICAN PSYCHIATRIC ASSOCIATION AMONG THE ORGANIZATIONS FROM WHICH THE COMMISSION SHALL SEEK INPUT REGARDING THE IMPLEMENTATION OF THE MISSISSIPPI RURAL PHYSICIANS SCHOLARSHIP PROGRAM; TO AMEND SECTION 37-144-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION TO GRANT AN EXCEPTION FOR FOURTH-YEAR MEDICAL SCHOOL STUDENTS WHO DEMONSTRATE A DESIRE TO PRACTICE PSYCHIATRY IN RURAL MISSISSIPPI AND WHO USE A PRACTICE MODEL AND ENTER THE PRACTICE OF MEDICINE IN A RURAL OR UNDERSERVED AREA IN MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-144-3, Mississippi Code of 1972, is amended as follows:

37-144-3. (1) The Mississippi Rural Physicians Scholarship Program shall be administered by a commission to be known as the "Mississippi Rural Physicians Scholarship Commission." The commission shall be directed by a board composed of the following members:

(a) Two (2) generalist physicians appointed by and from the membership of the Mississippi State Medical Association, the

term of which shall be three (3) years and may be reappointed for one (1) additional term;

(b) One (1) generalist physician appointed by and from the membership of each of the following organizations, the term of which shall be three (3) years and may be reappointed for one (1) additional term:

(i) Mississippi Academy of Family Physicians;

(ii) Mississippi Chapter, American College of Physicians;

(iii) Mississippi Chapter, American Academy of Pediatrics;

(iv) Mississippi Chapter, American College of OB-GYN;

(v) Mississippi Medical and Surgical Association;

(vi) Mississippi Osteopathic Association;

(c) Two (2) designees of the Dean of the University of Mississippi School of Medicine whose terms are at the discretion of the dean, at least one (1) of whom is a member of the University of Mississippi School of Medicine Admissions Committee;

(d) Two (2) medical students, one (1) of whom shall be selected yearly through a process developed by the Dean of the School of Medicine in consultation with the Chairs of the Departments of Family Medicine, Internal Medicine, OB-GYN and Pediatrics, and one (1) of whom shall be nominated for a one-year term by the Mississippi Chapter of the Student National Medical

Association and approved by the Dean of the University of Mississippi School of Medicine;

(e) A member of the Board of Trustees of State Institutions of Higher Learning; * * *

(f) The Chair of the Department of Family Medicine at the University of Mississippi School of Medicine * * *; and

(g) A licensed psychiatrist appointed by the Mississippi Chapter of the American Psychiatric Association.

(2) The premedical advisors from the accredited four-year colleges and universities in the state and the directors or designees of the primary care generalist training programs in the State of Mississippi shall comprise an advisory committee to the commission to assist the commission in its administration of the Mississippi Rural Physicians Scholarship Program.

(3) Vacancies on the commission must be filled in a manner consistent with the original appointments.

(4) All appointments to the commission must be made no later than September 1, * * * 2019. After the members are appointed, the Chair of the Department of Family Medicine shall set a date for the organizational meeting that is mutually acceptable to the majority of the commission members. The organizational meeting shall be for the purposes of organizing the commission and establishing rules for transacting its business. A majority of the members of the commission shall constitute a quorum at all commission meetings. An affirmative vote of a majority of the

members present and voting shall be required in the adoption of rules, reports and in any other actions taken by the commission. At the organizational meeting, the commission shall elect a chair and vice chair from the members appointed according to paragraphs (a) through (d) of subsection (1). The chair shall serve for a term of two (2) years, upon the expiration of which the vice chair shall assume the office of chair.

(5) After the organizational meeting, the commission shall hold no less than two (2) meetings annually.

(6) The commission may form an executive committee for the purpose of transacting business that must be conducted before the next regularly scheduled meeting of the commission. All actions taken by the executive committee must be ratified by the commission at its next regularly scheduled meeting.

(7) Members of the commission shall serve without compensation but may be reimbursed, subject to the availability of funding, for mileage and actual and necessary expenses incurred in attending meetings of the commission.

(8) Funding for the establishment and continued operation of the program and commission shall be appropriated out of any money in the General Fund not already appropriated to the University of Mississippi Medical Center.

SECTION 2. Section 37-144-5, Mississippi Code of 1972, is amended as follows:

37-144-5. The Mississippi Rural Physicians Scholarship Commission shall have the following powers and duties:

(a) Developing the administrative policy for the commission and the Mississippi Rural Physicians Scholarship Program;

(b) Promulgating rules and regulations, with the advice and consent of the University of Mississippi Medical Center, pertaining to the implementation and operation of the Rural Physicians Scholarship Program;

(c) Developing and implementing strategies and activities for the identification and recruitment of students and for marketing the program and for the implementation of the program. In developing these strategies, the board shall seek the input of various organizations and entities, including the Mississippi State Medical Association, the Mississippi Academy of Family Physicians, the Mississippi Chapters of the American College of Physicians, the American Academy of Pediatrics, the American College of OB-GYN, the Mississippi Medical and Surgical Association * * *, the Mississippi Osteopathic Medicine Association and the American Psychiatric Association;

(d) Establishing a budget, with the advice and consent of the University of Mississippi Medical Center, to support the activities of the program and periodically reviewing and if appropriate, revising, the scholarship and other stipends offered through the program;

(e) Advising the University of Mississippi Medical Center regarding hiring an executive director and support staff necessary for the commission's work. The commission shall nominate at least two (2) individuals to serve as executive director;

(f) Reviewing participants progress in the program and mentoring students and physicians participating in the program;

(g) Developing and participating in programs that provide initial practice support in collaboration with other interested professional organizations;

(h) The commission shall have the authority through use of generally applicable definitions, to designate an area of the state as underserved or rural. The method by which these designations shall be made shall be contained in rules and regulations promulgated by the commission.

SECTION 3. Section 37-144-7, Mississippi Code of 1972, is amended as follows:

37-144-7. (1) The commission shall develop and implement policies and procedures designed to recruit, identify and enroll undergraduate students who demonstrate necessary interest, commitment, aptitude and academic achievement to pursue careers as family physicians or other generalist physicians in rural or medically underserved areas of Mississippi, and to develop and implement the programs designed to foster successful entry of participants into medical school, completion of medical school,

enrollment into and completion of family medicine or other generalist residency, and establishment and maintenance of a career in family medicine or other generalist specialty in a rural or underserved area of Mississippi.

(2) The commission shall have the authority through use of generally applicable definitions to designate an area of the state as underserved or rural.

(3) The commission, in conjunction with the University of Mississippi Medical Center, shall have the authority to provide students selected for scholarship funding with faculty mentors and other programs designed to enhance the students' likelihood of admission to the medical school. The commission and the University of Mississippi Medical Center will develop coursework that will provide scholarship students with the skills necessary for sustained and successful medical practice in rural Mississippi.

(4) Each applicant for admission to the program must submit an application to the commission that conforms to requirements established by the commission.

(5) In selecting participants for the program, the board may only accept an applicant if his or her academic record and other characteristics, if given consideration by the University of Mississippi School of Medicine Admissions Committee, would be considered credible and competitive.

(6) An applicant for the program may be admitted only upon a majority vote of the members of the commission.

(7) Not less than fifteen (15) students will be admitted to the Mississippi Rural Physicians Scholarship Program each year, provided that there are fifteen (15) or more qualified applicants for the program.

(8) Upon the funding of sixty-one (61) or more rural physicians scholarships by the Legislature and recognizing the importance of balancing the needs of comprehensive primary care along with a critical shortage of psychiatrists in Mississippi, the commission may grant an exception for fourth-year medical or osteopathic school (M4) students who demonstrate a desire to practice psychiatry in rural Mississippi and who use a practice model and enter the practice of medicine in a rural or underserved area in Mississippi, as defined by the commission beginning for the M4 class of 2020.

SECTION 4. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2532

Description: Sex offenders; employers must notify parent or guardian of certain minors who come in contact with registered employee.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Judiciary, Division B
2	02/05	(S)	Title Suff Do Pass Comm Sub
3	02/14	(S)	Committee Substitute Adopted
4	02/14	(S)	Passed {Vote}
5	02/18	(S)	Transmitted To House
6	02/19	(H)	Referred To Judiciary B
7	03/05	(H)	Title Suff Do Pass
8	03/12	(H)	Read the Third Time
9	03/13	(H)	Passed {Vote}
10	03/13	(H)	Motion to Reconsider Entered (Lamar, Cockerham, Bailey)
11	03/14	(H)	Motion to Reconsider Tabled
12	03/14	(H)	Returned For Enrolling
13	03/19	(S)	Enrolled Bill Signed
14	03/19	(H)	Enrolled Bill Signed
15	03/22		Approved by Governor

Code Section: A 045-0033-0059, A 045-0033-0032, A 045-0033-0023

----- Additional Information -----

Senate Committee: Judiciary, Division B
House Committee: Judiciary B

Principal Author: Doty
Additional Authors: Hill

Title: AN ACT TO AMEND SECTION 45-33-59, MISSISSIPPI CODE OF 1972, TO REQUIRE EMPLOYER NOTIFICATION TO CERTAIN PARENTS OR GUARDIANS OF CHILDREN UNDER THE AGE OF 18 WHO COME IN CONTACT WITH AN EMPLOYEE WHO IS REQUIRED TO REGISTER AS A SEX

OFFENDER; TO AMEND SECTION 45-33-32, MISSISSIPPI CODE OF 1972, TO CONFORM THE REQUIREMENTS FOR VOLUNTEERS; TO AMEND SECTION 45-33-23, MISSISSIPPI CODE OF 1972, TO ADD A DEFINITION UNDER THE SEX OFFENDER REGISTRATION ACT IN ORDER TO REQUIRE HOMELESS OR TRANSIENT RESIDENTS TO PROVIDE A SPECIFIC DESCRIPTION OF WHERE THAT OFFENDER HABITUALLY LIVES; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2532

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Doty, Hill To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2532

AN ACT TO AMEND SECTION 45-33-59, MISSISSIPPI CODE OF 1972, TO REQUIRE EMPLOYER NOTIFICATION TO CERTAIN PARENTS OR GUARDIANS OF CHILDREN UNDER THE AGE OF 18 WHO COME IN CONTACT WITH AN EMPLOYEE WHO IS REQUIRED TO REGISTER AS A SEX OFFENDER; TO AMEND SECTION 45-33-32, MISSISSIPPI CODE OF 1972, TO CONFORM THE REQUIREMENTS FOR VOLUNTEERS; TO AMEND SECTION 45-33-23, MISSISSIPPI CODE OF 1972, TO ADD A DEFINITION UNDER THE SEX OFFENDER REGISTRATION ACT IN ORDER TO REQUIRE HOMELESS OR TRANSIENT RESIDENTS TO PROVIDE A SPECIFIC DESCRIPTION OF WHERE THAT OFFENDER HABITUALLY LIVES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 45-33-59, Mississippi Code of 1972, is amended as follows:

45-33-59. (1) (a) Any person convicted of a sex offense who is employed in any position, or who contracts with a person to provide personal services, where the * * * employee or * * * contractor will * * * have direct, private and unsupervised contact with * * * minors under the age of eighteen (18) shall notify in writing the employer or the person with whom the person has contracted or is employed of his sex offender status.

(b) The employer shall make a reasonable attempt to notify the parents or guardians of any minors under the age of

eighteen (18) with whom the employee or contractor will have direct, private and unsupervised contact of the offender's criminal record.

(2) This section applies to all registered sex offenders regardless of the date of conviction.

(3) An employer acting in good faith in making notification to parents or guardians under this section, or who fails in good faith to make notification, shall not be liable in any civil or criminal action as a result of the notification or failure to notify.

(4) This section does not authorize the employment of a person for a position for which employment of a sex offender is prohibited by any law.

(5) This section does not apply to an employer whose employees have only incidental contact with children because children may be present in the workplace without any formal agreement; casual or incidental contact does not trigger the duty to inform.

SECTION 2. Section 45-33-32, Mississippi Code of 1972, is amended as follows:

45-33-32. (1) A person convicted of a sex offense who volunteers for an organization in which volunteers have direct, private and unsupervised contact with minors under the age of eighteen (18) shall notify the organization of the person's conviction at the time of volunteering. Such notification must be

in writing to the organization. Any organization which accepts volunteers must notify volunteers of this disclosure requirement upon application of the volunteer to serve or prior to acceptance of any of the volunteer's service, whichever occurs first.

(2) If the organization, after notification by the offender as provided in subsection (1), accepts the offender as a volunteer, the organization * * * shall make reasonable attempts to notify the parents or guardians of any minors under the age of eighteen (18) involved in the organization of the offender's criminal record.

(3) This section applies to all registered sex offenders regardless of the date of conviction.

(4) Any person previously registered as a sex offender and who has a continuing obligation to be registered as a sex offender shall be notified of the person's duty under this section with the first reregistration form to be sent to the person after July 1, 2004.

(5) If the registered sex offender is currently volunteering for such an organization, the sex offender must resign or notify the organization immediately upon receipt of notice or be subject to the penalties of this chapter.

(6) An organization acting in good faith in making the notification to parents or guardians under this section, or who fails in good faith to make such notification, shall not be liable

in any civil or criminal action as a result of the notification or failure to notify.

SECTION 3. Section 45-33-23, Mississippi Code of 1972, is amended as follows:

45-33-23. For the purposes of this chapter, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Conviction" means that, regarding the person's offense, there has been a determination or judgment of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere regardless of whether adjudication is withheld. "Conviction of similar offenses" includes, but is not limited to, a conviction by a federal or military tribunal, including a court-martial conducted by the Armed Forces of the United States, a conviction for an offense committed on an Indian Reservation or other federal property, a conviction in any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianna Islands or the United States Virgin Islands, and a conviction in a foreign country if the foreign country's judicial system is such that it satisfies minimum due process set forth in the guidelines under Section 111(5)(B) Public Law 109-248.

(b) "Department" means the Mississippi Department of Public Safety unless otherwise specified.

(c) "Jurisdiction" means any court or locality including any state court, federal court, military court, Indian tribunal or foreign court, the fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianna Islands or the United States Virgin Islands, and Indian tribes that elect to function as registration jurisdictions under Title 1, SORNA Section 127 of the Adam Walsh Child Safety Act.

(d) "Permanent residence" means a place where the person abides, lodges, or resides for a period of fourteen (14) or more consecutive days.

(e) "Registration" means providing information to the appropriate agency within the timeframe specified as required by this chapter.

(f) "Registration duties" means obtaining the registration information required on the form specified by the department as well as the photograph, fingerprints and biological sample of the registrant. Biological samples are to be forwarded to the Mississippi Forensics Laboratory pursuant to Section 45-33-37; the photograph, fingerprints and other registration information are to be forwarded to the Department of Public Safety immediately.

(g) "Responsible agency" is defined as the person or government entity whose duty it is to obtain information from a

criminal sex offender upon conviction and to transmit that information to the Mississippi Department of Public Safety.

(i) For a criminal sex offender being released from the custody of the Department of Corrections, the responsible agency is the Department of Corrections.

(ii) For a criminal sex offender being released from a county jail, the responsible agency is the sheriff of that county.

(iii) For a criminal sex offender being released from a municipal jail, the responsible agency is the police department of that municipality.

(iv) For a sex offender in the custody of the youth court, the responsible agency is the youth court.

(v) For a criminal sex offender who is being placed on probation, including conditional discharge or unconditional discharge, without any sentence of incarceration, the responsible agency is the sentencing court.

(vi) For an offender who has been committed to a mental institution following an acquittal by reason of insanity, the responsible agency is the facility from which the offender is released. Specifically, the director of the facility shall notify the Department of Public Safety before the offender's release.

(vii) For a criminal sex offender who is being released from a jurisdiction outside this state or who has a prior conviction in another jurisdiction and who is to reside, work or

attend school in this state, the responsible agency is both the sheriff of the proposed county of residence and the department.

(h) "Sex offense" or "registrable offense" means any of the following offenses:

(i) Section 97-3-53 relating to kidnapping, if the victim was below the age of eighteen (18);

(ii) Section 97-3-65 relating to rape; however, conviction or adjudication under Section 97-3-65(1)(a) when the offender was eighteen (18) years of age or younger at the time of the alleged offense, shall not be a registrable sex offense;

(iii) Section 97-3-71 relating to rape and assault with intent to ravish;

(iv) Section 97-3-95 relating to sexual battery; however, conviction or adjudication under Section 97-3-95(1)(c) when the offender was eighteen (18) years of age or younger at the time of the alleged offense, shall not be a registrable sex offense;

(v) Section 97-5-5 relating to enticing a child for concealment, prostitution or marriage;

(vi) Section 97-5-23 relating to the touching of a child, mentally defective or incapacitated person or physically helpless person for lustful purposes;

(vii) Section 97-5-27 relating to the dissemination of sexually oriented material to children;

(viii) Section 97-5-33 relating to the exploitation of children;

(ix) Section 97-5-41 relating to the carnal knowledge of a stepchild, adopted child or child of a cohabiting partner;

(x) Section 97-29-3 relating to sexual intercourse between teacher and student;

(xi) Section 97-29-59 relating to unnatural intercourse;

(xii) Section 43-47-18 relating to sexual abuse of a vulnerable person;

(xiii) Section 97-3-54.1(1)(c) relating to procuring sexual servitude of a minor and Section 97-3-54.3 relating to aiding, abetting or conspiring to violate Section 97-3-54.1(1)(c);

(xiv) Section 97-29-61(2) relating to voyeurism when the victim is a child under sixteen (16) years of age;

(xv) Section 97-29-63 relating to filming another without permission where there is an expectation of privacy;

(xvi) Section 97-29-45(1)(a) relating to obscene electronic communication;

(xvii) Section 97-3-104 relating to the crime of sexual activity between law enforcement, correctional or custodial personnel and prisoners;

(xviii) Section 97-5-39(1)(e) relating to contributing to the neglect or delinquency of a child, felonious abuse or battery of a child, if the victim was sexually abused;

(xix) Section 97-29-51 relating to procuring or promoting prostitution when the victim is a child under eighteen (18) years of age;

(xx) Section 97-1-7 relating to attempt to commit any of the offenses referenced in this paragraph (h);

(xxi) Any other offense resulting in a conviction in another jurisdiction which, if committed in this state, would be deemed to be such a crime without regard to its designation elsewhere;

(xxii) Any offense resulting in a conviction in another jurisdiction for which registration is required in the jurisdiction where the conviction was had;

(xxiii) Any conviction of conspiracy to commit, accessory to commission, or attempt to commit any offense listed in this section;

(xxiv) Capital murder when one (1) of the above-described offenses is the underlying crime.

(i) "Temporary residence" is defined as any place where the person abides, lodges, or resides for a period of seven (7) or more consecutive days which is not the person's permanent residence.

(j) "Address" means the actual physical street address of a person's permanent or temporary residence. For a person who is homeless but is subject to registration under this chapter, the address information must provide a specific description of where the person habitually lives; the term "homeless" or similar description does not constitute an address within the contemplation of this chapter.

SECTION 4. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2577

Description: Motor Vehicle Tax and License Synchronization Study Committee; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Finance
2	01/31	(S) Title Suff Do Pass
3	02/06	(S) Amended
4	02/06	(S) Passed As Amended {Vote}
5	02/08	(S) Transmitted To House
6	02/19	(H) Referred To Ways and Means
7	03/05	(H) Title Suff Do Pass
8	03/07	(H) Passed {Vote}
9	03/11	(H) Returned For Enrolling
10	03/19	(S) Enrolled Bill Signed
11	03/19	(H) Enrolled Bill Signed
12	03/22	Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: McMahan

Title: AN ACT TO CREATE THE MOTOR VEHICLE TAX AND LICENSE SYNCHRONIZATION STUDY COMMITTEE TO EXAMINE AND DEVELOP RECOMMENDATIONS REGARDING THE FEASIBILITY OF ADOPTING CERTAIN STATEWIDE MEASURES FOR STREAMLINING THE PAYMENT OF MOTOR VEHICLE AD VALOREM TAXES AND ROAD AND BRIDGE PRIVILEGE TAXES AND THE ISSUANCE OF LICENSE TAGS THROUGH THE DEALERSHIP AT THE TIME OF A MOTOR VEHICLE PURCHASE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) McMahan To: Finance

SENATE BILL NO. 2577
(As Passed the Senate)

AN ACT TO CREATE THE MOTOR VEHICLE TAX AND LICENSE SYNCHRONIZATION STUDY COMMITTEE TO EXAMINE AND DEVELOP RECOMMENDATIONS REGARDING THE FEASIBILITY OF ADOPTING CERTAIN STATEWIDE MEASURES FOR STREAMLINING THE PAYMENT OF MOTOR VEHICLE AD VALOREM TAXES AND ROAD AND BRIDGE PRIVILEGE TAXES AND THE ISSUANCE OF LICENSE TAGS THROUGH THE DEALERSHIP AT THE TIME OF A MOTOR VEHICLE PURCHASE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is hereby created the Motor Vehicle Tax and License Synchronization Study Committee to examine and develop recommendations regarding the feasibility of adopting certain statewide measures for streamlining the process of a motor vehicle purchaser's paying ad valorem taxes and road and bridge privilege taxes and being issued motor vehicle license tags through the dealership.

The committee shall, at a minimum, study and report to the 2020 Regular Session of the Legislature the following:

(a) The feasibility of the automobile dealership issuing a twenty-one-day temporary license tag during the vehicle purchase transaction, so that law enforcement may adequately

identify the vehicle during the time span required for the issuance and delivery of a permanent license tag;

(b) The feasibility of adopting a statewide electronic system whereby motor vehicle ad valorem taxes and road and bridge privilege taxes may be paid to the automobile dealership during the vehicle purchase transaction, after which the dealership shall apply for, obtain and cause to be delivered to the purchaser a permanent license tag;

(c) The feasibility of adopting a statewide electronic system whereby motor vehicle ad valorem taxes and road and bridge privilege taxes paid to the automobile dealership during the vehicle purchase transaction may be, at regular intervals, distributed to the appropriate taxing authorities;

(d) The cost to the Mississippi Department of Revenue of adopting a statewide electronic system such as that described in the preceding paragraphs; and

(e) The provisions of current Mississippi law that would need to be amended to adopt the measures described in this section and any other measures recommended by the committee.

(2) The study committee shall be composed of the following five (5) members:

(a) The President of the Mississippi Assessors and Collectors Association, or his/her designee;

(b) The President of the Mississippi Automobile Dealers Association, or his/her designee;

(c) The Commissioner of the Mississippi Department of Revenue, or his/her designee;

(d) A member of the Mississippi State Senate appointed by the Lieutenant Governor; and

(e) A member of the Mississippi House of Representatives appointed by the Speaker of the House.

(3) Appointments shall be made within thirty (30) days after the effective date of this act. At the first meeting of the committee, the members shall elect from among themselves the chairman.

(4) A majority of the members of the committee shall constitute a quorum. In the adoption of the rules, resolutions and reports, and in the election of a chairman, an affirmative vote of a majority of the members shall be required. All members shall be notified in writing of all meetings; such notices shall be mailed at least five (5) days before the date on which a meeting is to be held.

(5) To effectuate the purposes of this section, any department, division, board, bureau, committee or agency of the state or any political subdivision thereof, shall, at the request of any member of the committee, provide such facilities, assistance, information and data as will enable the committee to properly carry out its duties.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2598

Description: Qualified equity investment tax credits; extend authority of Mississippi Development Authority to allocate.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Finance
2	01/31	(S) Title Suff Do Pass Comm Sub
3	02/07	(S) Committee Substitute Adopted
4	02/07	(S) Passed {Vote}
5	02/08	(S) Transmitted To House
6	02/19	(H) Referred To Ways and Means
7	03/05	(H) Title Suff Do Pass
8	03/07	(H) Passed {Vote}
9	03/11	(H) Returned For Enrolling
10	03/14	(S) Enrolled Bill Signed
11	03/15	(H) Enrolled Bill Signed
12	03/21	Approved by Governor

Code Section: A 057-0105-0001

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Fillingane
Additional Authors: Jackson (11th)

Title: AN ACT TO AMEND SECTION 57-105-1, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2021, THE DATE AFTER WHICH THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL NOT ALLOCATE INCOME TAX AND INSURANCE PREMIUM TAX CREDIT FOR TAXPAYERS HOLDING CERTAIN QUALIFIED EQUITY INVESTMENTS; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2598

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Fillingane, Jackson (11th) To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2598

AN ACT TO AMEND SECTION 57-105-1, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2021, THE DATE AFTER WHICH THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL NOT ALLOCATE INCOME TAX AND INSURANCE PREMIUM TAX CREDIT FOR TAXPAYERS HOLDING CERTAIN QUALIFIED EQUITY INVESTMENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-105-1, Mississippi Code of 1972, is amended as follows:

57-105-1. (1) As used in this section:

(a) "Adjusted purchase price" means the investment in the qualified community development entity for the qualified equity investment, substantially all of the proceeds of which are used to make qualified low-income community investments in Mississippi.

For the purposes of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment will be considered held by a qualified community development entity even if the investment has been sold or repaid; provided that the qualified community

development entity reinvests an amount equal to the capital returned to or recovered by the qualified community development entity from the original investment, exclusive of any profits realized, in another qualified low-income community investment in Mississippi, including any federal Indian reservation located within the geographical boundary of Mississippi within twelve (12) months of the receipt of such capital. A qualified community development entity will not be required to reinvest capital returned from the qualified low-income community investments after the sixth anniversary of the issuance of the qualified equity investment, the proceeds of which were used to make the qualified low-income community investment, and the qualified low-income community investment will be considered held by the qualified community development entity through the seventh anniversary of the qualified equity investment's issuance.

(b) "Applicable percentage" means:

(i) For any equity investment issued prior to July 1, 2008, four percent (4%) for each of the second through seventh credit allowance dates for purposes of the taxes imposed by Section 27-7-5 and one and one-third percent (1-1/3%) for each of the second through seventh credit allowance dates for purposes of the taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123.

(ii) For any equity investment issued from and after July 1, 2008, eight percent (8%) for each of the first through third credit allowance dates for purposes of the taxes

imposed by Section 27-7-5 or the taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123.

(c) "Credit allowance date" means, with respect to any qualified equity investment:

(i) The later of:

1. The date upon which the qualified equity investment is initially made; or

2. The date upon which the Mississippi Development Authority issues a certificate under subsection (4) of this section; and

(ii) 1. For equity investments issued prior to July 1, 2008, each of the subsequent six (6) anniversary dates of the date upon which the investment is initially made; or

2. For equity investments issued from and after July 1, 2008, each of the subsequent two (2) anniversary dates of the date determined as provided for in subparagraph (i) of this paragraph.

(d) "Qualified community development entity" shall have the meaning ascribed to such term in Section 45D of the Internal Revenue Code of 1986, as amended, if the entity has entered into an Allocation Agreement with the Community Development Financial Institutions Fund of the United States Department of the Treasury with respect to credits authorized by Section 45D of the Internal Revenue Code of 1986, as amended.

(e) "Qualified active low-income community business" shall have the meaning ascribed to such term in Section 45D of the Internal Revenue Code of 1986, as amended.

(f) "Qualified equity investment" shall have the meaning ascribed to such term in Section 45D of the Internal Revenue Code of 1986, as amended. The investment does not have to be designated as a qualified equity investment by the Community Development Financial Institutions Fund of the United States Treasury to be considered a qualified equity investment under this section but otherwise must meet the definition under the Internal Revenue Code. In addition to meeting the definition in Section 45D of the Internal Revenue Code such investment must also:

(i) Have been acquired after January 1, 2007, at its original issuance solely in exchange for cash; and

(ii) Have been allocated by the Mississippi Development Authority.

For the purposes of this section, such investment shall be deemed a qualified equity investment on the later of the date such qualified equity investment is made or the date on which the Mississippi Development Authority issues a certificate under subsection (4) of this section allocating credits based on such investment.

(g) "Qualified low-income community investment" shall have the meaning ascribed to such term in Section 45D of the Internal Revenue Code of 1986, as amended; provided, however, that

the maximum amount of qualified low-income community investments issued for a single qualified active low-income community business, on an aggregate basis with all of its affiliates, that may be included for purposes of allocating any credits under this section shall not exceed Ten Million Dollars ($10,000,000.00), in the aggregate, whether issued by one (1) or several qualified community development entities.

(2) A taxpayer that holds a qualified equity investment on the credit allowance date shall be entitled to a credit applicable against the taxes imposed by Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123 during the taxable year that includes the credit allowance date. The amount of the credit shall be equal to the applicable percentage of the adjusted purchase price paid to the qualified community development entity for the qualified equity investment. The amount of the credit that may be utilized in any one (1) tax year shall be limited to an amount not greater than the total tax liability of the taxpayer for the taxes imposed by the above-referenced sections. The credit shall not be refundable or transferable. Any unused portion of the credit may be carried forward for seven (7) taxable years beyond the credit allowance date on which the credit was earned. The maximum aggregate amount of qualified equity investments that may be allocated by the Mississippi Development Authority may not exceed an amount that would result in taxpayers claiming in any one (1) state fiscal year credits in excess of Fifteen Million Dollars

($15,000,000.00), exclusive of credits that might be carried forward from previous taxable years; however, a maximum of one-third (1/3) of this amount may be allocated as credits for taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123. Any taxpayer claiming a credit under this section against the taxes imposed by Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123 shall not be required to pay any additional tax under Section 27-15-123 as a result of claiming such credit. The Mississippi Development Authority shall allocate credits within this limit as provided for in subsection (4) of this section.

(3) Tax credits authorized by this section that are earned by a partnership, limited liability company, S corporation or other similar pass-through entity, shall be allocated among all partners, members or shareholders, respectively, either in proportion to their ownership interest in such entity or as the partners, members or shareholders mutually agree as provided in an executed document. Such allocation shall be made each taxable year of such pass-through entity which contains a credit allowance date.

(4) The qualified community development entity shall apply for credits with the Mississippi Development Authority on forms prescribed by the Mississippi Development Authority. The qualified community development entity must pay an application fee of One Thousand Dollars ($1,000.00) to the Mississippi Development Authority at the time the application is submitted. In the

application the qualified community development entity shall certify to the Mississippi Development Authority the dollar amount of the qualified equity investments made or to be made in this state, including in any federal Indian reservation located within the state's geographical boundary, during the first twelve-month period following the initial credit allowance date. The Mississippi Development Authority shall allocate credits based on the dollar amount of qualified equity investments as certified in the application. Once the Mississippi Development Authority has allocated credits to a qualified community development entity, if the corresponding qualified equity investment has not been issued as of the date of such allocation, then the corresponding qualified equity investment must be issued not later than one hundred twenty (120) days from the date of such allocation. If the qualified equity investment is not issued within such time period, the allocation shall be cancelled and returned to the Mississippi Development Authority for reallocation. Upon final documentation of the qualified low-income community investments, if the actual dollar amount of the investments is lower than the amount estimated, the Mississippi Development Authority shall adjust the tax credit allowed under this section. The Department of Revenue may recapture all of the credit allowed under this section if:

(a) Any amount of federal tax credits available with respect to a qualified equity investment that is eligible for a

tax credit under this section is recaptured under Section 45D of the Internal Revenue Code of 1986, as amended; or

(b) The qualified community development entity redeems or makes any principal repayment with respect to a qualified equity investment prior to the seventh anniversary of the issuance of the qualified equity investment; or

(c) The qualified community development entity fails to maintain at least eighty-five percent (85%) of the proceeds of the qualified equity investment in qualified low-income community investments in Mississippi at any time prior to the seventh anniversary of the issuance of the qualified equity investment.

Any credits that are subject to recapture under this subsection shall be recaptured from the taxpayer that actually claimed the credit.

The Mississippi Development Authority shall not allocate any credits under this section after * * * July 1, * * * 2021.

(5) Each qualified community development entity that receives qualified equity investments to make qualified low-income community investments in Mississippi must annually report to the Mississippi Development Authority the North American Industry Classification System Code, the county, the dollars invested, the number of jobs assisted and the number of jobs assisted with wages over one hundred percent (100%) of the federal poverty level for a family of four (4) of each qualified low-income community investment.

(6) The Mississippi Development Authority shall file an annual report on all qualified low-income community investments with the Governor, the Clerk of the House of Representatives, the Secretary of the Senate and the Secretary of State describing the North American Industry Classification System Code, the county, the dollars invested, the number of jobs assisted and the number of jobs assisted with wages over one hundred percent (100%) of the federal poverty level for a family of four (4) of each qualified low-income community investment. The annual report will be posted on the Mississippi Development Authority's internet website.

(7) (a) The purpose of this subsection is to authorize the creation and establishment of public benefit corporations for financing arrangements regarding public property and facilities.

(b) As used in this subsection:

(i) "New Markets Tax Credit transaction" means any financing transaction which utilizes either this section or Section 45D of the Internal Revenue Code of 1986, as amended.

(ii) "Public benefit corporation" means a nonprofit corporation formed or designated by a public entity to carry out the purposes of this subsection.

(iii) "Public entity or public entities" includes utility districts, regional solid waste authorities, regional utility authorities, community hospitals, regional airport authorities, municipal airport authorities, community and junior colleges, educational building corporations established by or on

behalf of the state institutions of higher learning, school districts, planning and development districts, county economic development districts, urban renewal agencies, any other regional or local economic development authority, agency or governmental entity, and any other regional or local industrial development authority, agency or governmental entity.

(iv) "Public property or facilities" means any property or facilities owned or leased by a public entity or public benefit corporation.

(c) Notwithstanding any other provision of law to the contrary, public entities are authorized pursuant to this subsection to create one or more public benefit corporations or designate an existing corporation as a public benefit corporation for the purpose of entering into financing agreements and engaging in New Markets Tax Credit transactions, which shall include, without limitation, arrangements to plan, acquire, renovate, construct, lease, sublease, manage, operate and/or improve new or existing public property or facilities located within the boundaries or service area of the public entity. Any financing arrangement authorized under this subsection shall further any purpose of the public entity and may include a term of up to fifty (50) years.

(d) Notwithstanding any other provision of law to the contrary and in order to facilitate the acquisition, renovation, construction, leasing, subleasing, management, operating and/or

improvement of new or existing public property or facilities to further any purpose of a public entity, public entities are authorized to enter into financing arrangements in order to transfer public property or facilities to and/or from public benefit corporations, including, without limitation, sales, sale-leasebacks, leases and lease-leasebacks, provided such transfer is related to any New Markets Tax Credit transaction furthering any purpose of the public entity. Any such transfer under this paragraph (d) and the public property or facilities transferred in connection therewith shall be exempted from any limitation or requirements with respect to leasing, acquiring, and/or constructing public property or facilities.

(e) With respect to a New Markets Tax Credit transaction, public entities and public benefit corporations are authorized to enter into financing arrangements with any governmental, nonprofit or for-profit entity in order to leverage funds not otherwise available to public entities for the acquisition, construction and/or renovation of properties transferred to such public benefit corporations. The use of any funds loaned by or contributed by a public benefit corporation or borrowed by or otherwise made available to a public benefit corporation in such financing arrangement shall be dedicated solely to (i) the development of new properties or facilities and/or the renovation of existing properties or facilities or operation of properties or facilities, and/or (ii) the payment of

costs and expenditures related to any such financing arrangements, including, but not limited to, funding any reserves required in connection therewith, the repayment of any indebtedness incurred in connection therewith, and the payment of fees and expenses incurred in connection with the closing, administration, accounting and/or compliance with respect to the New Markets Tax Credit transaction.

(f) A public benefit corporation created pursuant to this subsection shall not be a political subdivision of the state but shall be a nonprofit corporation organized and governed under the provisions of the laws of this state and shall be a special purpose corporation established to facilitate New Markets Tax Credit transactions consistent with the requirements of this section.

(g) Neither this subsection nor anything herein contained is or shall be construed as a restriction or limitation upon any powers which the public entity or public benefit corporation might otherwise have under any laws of this state, and this subsection is cumulative to any such powers. This subsection does and shall be construed to provide a complete additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws.

(8) The Mississippi Development Authority shall promulgate rules and regulations to implement the provisions of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2602

Description: Mississippi Home Corporation; continue authority to issue a certain amount of bonds.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/21	(S) Referred To Finance
2	01/31	(S) Title Suff Do Pass Comm Sub
3	02/07	(S) Committee Substitute Adopted
4	02/07	(S) Passed {Vote}
5	02/08	(S) Transmitted To House
6	02/19	(H) Referred To Ways and Means
7	03/05	(H) Title Suff Do Pass As Amended
8	03/07	(H) Amended
9	03/07	(H) Passed As Amended {Vote}
10	03/11	(H) Returned For Concurrence
11	03/21	(S) Concurred in Amend From House {Vote}
12	03/26	(S) Enrolled Bill Signed
13	03/26	(H) Enrolled Bill Signed
14	03/29	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2602

Code Section: A 043-0033-0729

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Fillingane
Additional Authors: Jackson (11th)

Title: AN ACT TO AMEND SECTION 43-33-729, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2024, THE PROVISION OF LAW THAT AUTHORIZES

THE MISSISSIPPI HOME CORPORATION TO ISSUE BONDS AND NOTES ANNUALLY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $350,000,000.00; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Fillingane, Jackson (11th) To: Finance

SENATE BILL NO. 2602
(As Sent to Governor)

AN ACT TO AMEND SECTION 43-33-729, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2024, THE PROVISION OF LAW THAT AUTHORIZES THE MISSISSIPPI HOME CORPORATION TO ISSUE BONDS AND NOTES ANNUALLY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $350,000,000.00; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-33-729, Mississippi Code of 1972, is amended as follows:

[Through June 30, * * * 2024, this section shall read as follows:]

43-33-729. (1) The corporation may from time to time issue its negotiable bonds and notes in such principal amounts as, in the opinion of the corporation, shall be necessary to provide sufficient funds for achieving the corporate purposes thereof, including operating expenses and reserves, the payment of interest on bonds and notes of the corporation, establishment of reserves to secure such bonds and notes, and all other expenditures of the corporation incident to and necessary or convenient to carry out its corporate purposes and powers. Provided, except as otherwise

authorized herein, bonds and notes may be issued annually under this article in an aggregate principal amount not to exceed Three Hundred Fifty Million Dollars ($350,000,000.00), excluding bonds and notes issued to refund outstanding bonds and notes, bonds and notes in which the corporation acts as a conduit issuer and bonds and notes issued for purposes related to Hurricane Katrina. Such annual period shall be the same as the fiscal year of the state, commencing with the annual period of July 1, 2009, to June 30, 2010.

(2) The provisions of Sections 75-71-1 through 75-71-57, Mississippi Code of 1972 (the "Mississippi Securities Act"), shall not apply to bonds and notes issued under the authority of this article, and no application for a formal exemption from the provisions of such act shall be required with respect to such bonds and notes.

(3) Except as may otherwise be expressly provided by the corporation, all bonds and notes issued by the corporation shall be general obligations of the corporation, secured by the full faith and credit of the corporation and payable out of any monies, assets or revenues of the corporation, subject only to any agreement with the bondholders or noteholders pledging any particular monies, assets or revenues.

The corporation may issue bonds or notes to which the principal and interest are payable:

(a) Exclusively from the revenues of the corporation resulting from the use of the proceeds of such bonds or notes; or

(b) Exclusively from any particular revenues of the corporation, whether or not resulting from the use of the proceeds of such bonds or notes.

(4) Any bonds or notes issued by the corporation may be additionally secured:

(a) By private insurance, by a direct pay or standby letter of credit, or by any other credit enhancement facility procured by the corporation for the payment of any such bonds;

(b) By a pledge of any grant, subsidy or contribution from the United States or any agency or instrumentality thereof, or from the state or any agency, instrumentality or political subdivision thereof, or from any person, firm or corporation; or

(c) By the pledge of any securities, funds or reserves (or earnings thereon) available to the corporation.

(5) Bonds and notes issued by the corporation shall be authorized by a resolution or resolutions of the corporation adopted as provided for by this article; provided, that any such resolution authorizing the issuance of bonds or notes may delegate to an officer or officers of the corporation the power to issue such bonds or notes from time to time and to fix the details of any such issues of bonds or notes by an appropriate certification of such authorized officer.

(6) Except as specifically provided in this article, no notice, consent or approval by any governmental body or public officer shall be required as a prerequisite to the issuance, sale or delivery of any bonds or notes of the corporation pursuant to the provisions of this article. However, all bonds or notes issued pursuant to this article may be validated, except as otherwise provided in this section, in accordance with the provisions of Sections 31-13-1 through 31-13-11, Mississippi Code of 1972, in the same manner as provided therein for bonds issued by a municipality. Any such validation proceedings shall be held in the First Judicial District of Hinds County, Mississippi. Notice thereof shall be given by publication in any newspaper published in the City of Jackson, Mississippi, and of general circulation throughout the state.

(7) It is hereby determined that the corporation is the sole entity in the state authorized to issue bonds or notes for the purposes of financing low and moderate income rental or residential housing as set forth in this article. In addition, the corporation shall have the power to issue mortgage credit certificates, as provided by Section 25 of the Internal Revenue Code of 1954, as amended, and to comply with all of the terms and conditions set forth in Section 25, as the same may be amended from time to time.

[From and after July 1,* * * 2024, this section shall read as follows:]

43-33-729. (1) The corporation may from time to time issue its negotiable bonds and notes in such principal amounts as, in the opinion of the corporation, shall be necessary to provide sufficient funds for achieving the corporate purposes thereof, including operating expenses and reserves, the payment of interest on bonds and notes of the corporation, establishment of reserves to secure such bonds and notes, and all other expenditures of the corporation incident to and necessary or convenient to carry out its corporate purposes and powers. Provided, except as otherwise authorized herein, bonds and notes shall not be issued under this article in an aggregate principal amount exceeding the aggregate principal amount of bonds and notes outstanding on July 1, * * * 2024, excluding bonds and notes issued to refund outstanding bonds and notes, bonds and notes in which the corporation acts as a conduit issuer and bonds and notes issued for purposes related to Hurricane Katrina.

(2) The provisions of Sections 75-71-1 through 75-71-57, Mississippi Code of 1972 (the "Mississippi Securities Act"), shall not apply to bonds and notes issued under the authority of this article, and no application for a formal exemption from the provisions of such act shall be required with respect to such bonds and notes.

(3) Except as may otherwise be expressly provided by the corporation, all bonds and notes issued by the corporation shall be general obligations of the corporation, secured by the full

faith and credit of the corporation and payable out of any monies, assets or revenues of the corporation, subject only to any agreement with the bondholders or noteholders pledging any particular monies, assets or revenues.

The corporation may issue bonds or notes to which the principal and interest are payable:

(a) Exclusively from the revenues of the corporation resulting from the use of the proceeds of such bonds or notes; or

(b) Exclusively from any particular revenues of the corporation, whether or not resulting from the use of the proceeds of such bonds or notes.

(4) Any bonds or notes issued by the corporation may be additionally secured:

(a) By private insurance, by a direct pay or standby letter of credit, or by any other credit enhancement facility procured by the corporation for the payment of any such bonds;

(b) By a pledge of any grant, subsidy or contribution from the United States or any agency or instrumentality thereof, or from the state or any agency, instrumentality or political subdivision thereof, or from any person, firm or corporation; or

(c) By the pledge of any securities, funds or reserves (or earnings thereon) available to the corporation.

(5) Bonds and notes issued by the corporation shall be authorized by a resolution or resolutions of the corporation adopted as provided for by this article; provided, that any such

resolution authorizing the issuance of bonds or notes may delegate to an officer or officers of the corporation the power to issue such bonds or notes from time to time and to fix the details of any such issues of bonds or notes by an appropriate certification of such authorized officer.

(6) Except as specifically provided in this article, no notice, consent or approval by any governmental body or public officer shall be required as a prerequisite to the issuance, sale or delivery of any bonds or notes of the corporation pursuant to the provisions of this article. However, all bonds or notes issued pursuant to this article may be validated, except as otherwise provided in this section, in accordance with the provisions of Sections 31-13-1 through 31-13-11, Mississippi Code of 1972, in the same manner as provided therein for bonds issued by a municipality. Any such validation proceedings shall be held in the First Judicial District of Hinds County, Mississippi. Notice thereof shall be given by publication in any newspaper published in the City of Jackson, Mississippi, and of general circulation throughout the state.

(7) It is hereby determined that the corporation is the sole entity in the state authorized to issue bonds or notes for the purposes of financing low and moderate income rental or residential housing as set forth in this article. In addition, the corporation shall have the power to issue mortgage credit certificates, as provided by Section 25 of the Internal Revenue

Code of 1954, as amended, and to comply with all of the terms and conditions set forth in Section 25, as the same may be amended from time to time.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

Senate Bill 2625

Description: Mississippi School of the Arts; provide for administration and clarify employee hiring procedures.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Education; Appropriations
2	01/30	(S)	DR - TSDPCS: ED To AP
3	01/31	(S)	Title Suff Do Pass Comm Sub
4	02/12	(S)	Committee Substitute Adopted
5	02/12	(S)	Amended
6	02/12	(S)	Passed As Amended {Vote}
7	02/14	(S)	Transmitted To House
8	02/19	(H)	Referred To Education; Appropriations
9	03/04	(H)	DR - TSDPAA: ED To AP
10	03/05	(H)	DR - TSDPAA: AP To ED
11	03/05	(H)	Title Suff Do Pass As Amended
12	03/12	(H)	Read the Third Time
13	03/13	(H)	Amended
14	03/13	(H)	Passed As Amended {Vote}
15	03/13	(H)	Motion to Reconsider Entered (Lamar, Bennett, Roberson)
16	03/14	(H)	Motion to Reconsider Tabled
17	03/14	(H)	Returned For Concurrence
18	03/20	(S)	Concurred in Amend From House {Vote}
19	03/26	(S)	Enrolled Bill Signed
20	03/26	(H)	Enrolled Bill Signed
21	03/29		Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2625

Code Section: A 037-0140-0005, A 037-0140-0009, A 025-0009-0107, A 031-0007-0001, A 037-0007-0307, A 037-0009-0017, A 037-0009-0059, A 037-0009-0103, A 027-0104-0013

----- Additional Information -----

Senate Committee: Education, Appropriations
House Committee: Education, Appropriations

Principal Author: Doty
Additional Authors: Dearing

Title: AN ACT RELATING TO THE OPERATION OF THE MISSISSIPPI SCHOOL OF THE ARTS (MSA); TO PROVIDE THAT ADMINISTRATIVE AND INSTRUCTIONAL EMPLOYEES AT THE MISSISSIPPI SCHOOL OF THE ARTS SHALL BE CONTRACT EMPLOYEES AND TO PROVIDE FOR THE EXECUTION OF SAID CONTRACTS; TO PROVIDE THAT THE NONINSTRUCTIONAL EMPLOYEES AT SAID SCHOOL SHALL SERVE AT THE WILL AND PLEASURE OF THE SUPERINTENDENT OF THE MSA; TO PROVIDE THAT THE PURCHASES OF EQUIPMENT AND COMMODITIES MADE BY THE MSA ARE EXEMPT FROM THE REGULATIONS OF THE PUBLIC PROCUREMENT LAW; TO AMEND SECTIONS 37-140-5, 37-140-9, 25-9-107, 31-7-1, 37-7-307, 37-9-17, 37-9-59 AND 37-9-103, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 27-104-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI SCHOOL OF THE ARTS, THE MISSISSIPPI SCHOOL FOR THE BLIND AND DEAF AND THE MISSISSIPPI SCHOOL FOR MATH AND SCIENCE SHALL BE SUBJECT TO ANY MID-YEAR BUDGET REDUCTIONS BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION ONLY TO THE SAME EXTENT AS APPLICABLE TO OTHER SCHOOL DISTRICTS IN THE STATE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Doty, Dearing

To: Education;
Appropriations

SENATE BILL NO. 2625
(As Sent to Governor)

AN ACT RELATING TO THE OPERATION OF THE MISSISSIPPI SCHOOL OF THE ARTS (MSA); TO PROVIDE THAT ADMINISTRATIVE AND INSTRUCTIONAL EMPLOYEES AT THE MISSISSIPPI SCHOOL OF THE ARTS SHALL BE CONTRACT EMPLOYEES AND TO PROVIDE FOR THE EXECUTION OF SAID CONTRACTS; TO PROVIDE THAT THE NONINSTRUCTIONAL EMPLOYEES AT SAID SCHOOL SHALL SERVE AT THE WILL AND PLEASURE OF THE SUPERINTENDENT OF THE MSA; TO PROVIDE THAT THE PURCHASES OF EQUIPMENT AND COMMODITIES MADE BY THE MSA ARE EXEMPT FROM THE REGULATIONS OF THE PUBLIC PROCUREMENT LAW; TO AMEND SECTIONS 37-140-5, 37-140-9, 25-9-107, 31-7-1, 37-7-307, 37-9-17, 37-9-59 AND 37-9-103, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 27-104-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI SCHOOL OF THE ARTS, THE MISSISSIPPI SCHOOL FOR THE BLIND AND DEAF AND THE MISSISSIPPI SCHOOL FOR MATH AND SCIENCE SHALL BE SUBJECT TO ANY MID-YEAR BUDGET REDUCTIONS BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION ONLY TO THE SAME EXTENT AS APPLICABLE TO OTHER SCHOOL DISTRICTS IN THE STATE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-140-5, Mississippi Code of 1972, is amended as follows:

37-140-5. (1) The school shall be governed by the State Board of Education. The board shall develop a plan relating to the opening, operation and funding of the school to be presented to the Legislature during the 2000 Regular Session. The plan

shall include an equitable and reasonable plan for student recruitment without regard to race, creed or color.

(2) The State Superintendent of Public Education shall appoint an advisory panel to assist the board in developing the plan relating to the school. The advisory panel shall consist of the following twelve (12) appointed or designated members:

(a) Three (3) licensed school teachers or administrators, one (1) to be appointed from each of the three (3) Mississippi Supreme Court Districts;

(b) Three (3) citizens or professionals representing the areas of dance, creative writing, literature, music, theater arts or visual arts, one (1) to be appointed from each of the three (3) Mississippi Supreme Court Districts;

(c) Three (3) citizens knowledgeable in business, personnel management or public administration, with at least three (3) years' actual experience therein, one (1) to be appointed from each of the three (3) Mississippi Supreme Court Districts.

(d) One (1) member shall be a representative of the Mississippi Arts Commission to be designated by the commission, one (1) member shall be a representative of the Mississippi Humanities Council to be designated by the council, and one (1) member shall be a representative of the state institutions of higher learning in Mississippi which offer degrees in visual, fine and performing arts, to be designated by the Board of Trustees of State Institutions of Higher Learning.

Appointments to the advisory panel shall be made within ninety (90) days of April 23, 1999. The advisory panel shall meet upon the call of the State Superintendent of Public Education and shall organize for business by selecting a chairman and vice chairman/secretary for keeping records of the panel. Members of the advisory panel shall receive no compensation but may be reimbursed for necessary expenses and mileage for attending meetings and necessary business of the panel, in the amount authorized for state employees under Section 25-3-41.

(3) The board may utilize the staff of the State Department of Education and other state agencies as may be required for the implementation of this chapter. The department may employ any personnel deemed necessary by the board for assisting in the development and implementation of the plan relating to the opening, operation and funding of the school. The board also may contract or enter into agreements with other agencies or private entities which it deems necessary to carry out its duties and functions relating to the opening and operation of the school.

(4) To the extent possible, the board shall enter into agreements with the Board of Trustees of the Brookhaven Municipal Separate School District for the dual enrollment of students for the purpose of teaching academic courses to students attending the school, and the local school board shall be fully authorized to offer any such courses to students attending the school. The State Board of Education may develop and issue necessary

regulations for the coordination of such courses for these students, the preparation and transfer of transcripts, and the reimbursement of any costs incurred by the school district for providing such services.

(5) The board may enter into agreements with public school districts to authorize students enrolled in such school districts to participate in the fine arts programs at the school to the extent that adequate space is available. The parent or guardian of any student participating in fine arts programs at the school under this subsection shall be responsible for transporting the student to and from the school.

(6) From and after January 1, 2020, all administrative, instructional and noninstructional employees of the Mississippi School of the Arts shall be transferred from state service and the authority of the State Personnel Board to employment status as employees of the Mississippi School of the Arts. All administrative and instructional employees at the said school shall enter into written contracts of employment to indicate and cover the period for which they are respectively employed. All such contracts for administrative and instructional employees shall be exempt from the requirements of the Public Procurement Review Board for state agency employment contracts. The State Board of Education may set and determine qualifications necessary for such employees and may appoint a subcommittee of the board for the purpose of authorizing the execution of such employment

contracts on a timely basis. Such administrators and employees shall be offered contracts by the Superintendent/Executive Director of the MSA and shall have the employment rights prescribed for administrative and certificated school district employees under Sections 37-9-17, 37-9-59, 37-9-103 and 37-7-307, Mississippi Code of 1972. The MSA may renew employment or nonrenew employment with such administrative and instructional employees in accordance with the provisions of said sections relating to school district employment. Noninstructional employees of the MSA shall be full-time employees of the MSA and shall serve at the will and pleasure of the Superintendent of the MSA. All salaries and contracts shall be subject to the approval of the State Board of Education, and the MSA may continue to use the teacher salary scale for its instructional employees which is in effect on January 1, 2019. Any unused leave accumulated at the Mississippi School of the Arts shall be transferred in accordance with the provisions of Section 37-7-307. There shall be no interruption of service with the Public Employees' Retirement System and the State and School Employees' Health Insurance Plan for administrative, instructional and noninstructional employees due to an employee's employment status under this subsection. The MSA shall not be considered a local educational agency for the same purposes and to the same extent that all other school districts in the state are deemed local educational agencies under applicable federal law. The MSA may receive donations or grants

from any public or private source, including any federal funding that may be available to the schools within the MSA.

SECTION 2. Section 37-140-9, Mississippi Code of 1972, is amended as follows:

37-140-9. The board shall be the exclusive governing body of the school and shall promulgate rules and regulations required for the administration and operation of the school, consistent with the provisions of this act. The emphasis of the school shall be on the education and training of students in the performing, visual and literary arts and in the humanities, but this emphasis shall not preclude the teaching of those liberal arts and science courses, math and science deemed necessary by the board to provide students with a well-rounded education.

SECTION 3. Section 25-9-107, Mississippi Code of 1972, is amended as follows:

25-9-107. The following terms, when used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

(a) "Board" means the State Personnel Board created under the provisions of this chapter.

(b) "State service" means all employees of state departments, agencies and institutions as defined herein, except those officers and employees excluded by this chapter.

(c) "Nonstate service" means the following officers and employees excluded from the state service by this chapter. The following are excluded from the state service:

(i) Members of the State Legislature, their staff and other employees of the legislative branch;

(ii) The Governor and staff members of the immediate Office of the Governor;

(iii) Justices and judges of the judicial branch or members of appeals boards on a per diem basis;

(iv) The Lieutenant Governor, staff members of the immediate Office of the Lieutenant Governor and officers and employees directly appointed by the Lieutenant Governor;

(v) Officers and officials elected by popular vote and persons appointed to fill vacancies in elective offices;

(vi) Members of boards and commissioners appointed by the Governor, Lieutenant Governor or the State Legislature;

(vii) All academic officials, members of the teaching staffs and employees of the state institutions of higher learning, the Mississippi Community College Board, and community and junior colleges;

(viii) Officers and enlisted members of the National Guard of the state;

(ix) Prisoners, inmates, student or patient help working in or about institutions;

(x) Contract personnel; provided that any agency which employs state service employees may enter into contracts for personal and professional services only if such contracts are approved in compliance with the rules and regulations promulgated by the State Personal Service Contract Review Board under Section 25-9-120(3). Before paying any warrant for such contractual services in excess of One Hundred Thousand Dollars ($100,000.00), the Auditor of Public Accounts, or the successor to those duties, shall determine whether the contract involved was for personal or professional services, and, if so, was approved by the State Personal Service Contract Review Board;

(xi) Part-time employees; provided, however, part-time employees shall only be hired into authorized employment positions classified by the board, shall meet minimum qualifications as set by the board, and shall be paid in accordance with the Variable Compensation Plan as certified by the board;

(xii) Persons appointed on an emergency basis for the duration of the emergency; the effective date of the emergency appointments shall not be earlier than the date approved by the State Personnel Director, and shall be limited to thirty (30) working days. Emergency appointments may be extended to sixty (60) working days by the State Personnel Board;

(xiii) Physicians, dentists, veterinarians, nurse practitioners and attorneys, while serving in their professional

capacities in authorized employment positions who are required by statute to be licensed, registered or otherwise certified as such, provided that the State Personnel Director shall verify that the statutory qualifications are met prior to issuance of a payroll warrant by the Auditor;

(xiv) Personnel who are employed and paid from funds received from a federal grant program which has been approved by the Legislature or the Department of Finance and Administration whose length of employment has been determined to be time-limited in nature. This subparagraph shall apply to personnel employed under the provisions of the Comprehensive Employment and Training Act of 1973, as amended, and other special federal grant programs which are not a part of regular federally funded programs wherein appropriations and employment positions are appropriated by the Legislature. Such employees shall be paid in accordance with the Variable Compensation Plan and shall meet all qualifications required by federal statutes or by the Mississippi Classification Plan;

(xv) The administrative head who is in charge of any state department, agency, institution, board or commission, wherein the statute specifically authorizes the Governor, board, commission or other authority to appoint said administrative head; provided, however, that the salary of such administrative head shall be determined by the State Personnel Board in accordance

with the Variable Compensation Plan unless otherwise fixed by statute;

(xvi) The State Personnel Board shall exclude top-level positions if the incumbents determine and publicly advocate substantive program policy and report directly to the agency head, or the incumbents are required to maintain a direct confidential working relationship with a key excluded official. Provided further, a written job classification shall be approved by the board for each such position, and positions so excluded shall be paid in conformity with the Variable Compensation Plan;

(xvii) Employees whose employment is solely in connection with an agency's contract to produce, store or transport goods, and whose compensation is derived therefrom;

(xviii) Repealed;

(xix) The associate director, deputy directors and bureau directors within the Department of Agriculture and Commerce;

(xx) Personnel employed by the Mississippi Industries for the Blind; provided that any agency may enter into contracts for the personal services of MIB employees without the prior approval of the State Personnel Board or the State Personal Service Contract Review Board; however, any agency contracting for the personal services of an MIB employee shall provide the MIB employee with not less than the entry-level compensation and

benefits that the agency would provide to a full-time employee of the agency who performs the same services;

(xxi) Personnel employed by the Mississippi Department of Wildlife, Fisheries and Parks and the Mississippi Department of Marine Resources as law enforcement trainees (cadets); such personnel shall be paid in accordance with the Colonel Guy Groff State Variable Compensation Plan;

(xxii) Administrators and instructional employees under contract or employed by the Mississippi School of the Arts (MSA) established in Section 37-140-1 et seq.;

(* * *xxiii) The President of the Mississippi Lottery Corporation and personnel employed by the Mississippi Lottery Corporation.

(d) "Agency" means any state board, commission, committee, council, department or unit thereof created by the Constitution or statutes if such board, commission, committee, council, department, unit or the head thereof, is authorized to appoint subordinate staff by the Constitution or statute, except a legislative or judicial board, commission, committee, council, department or unit thereof.

SECTION 4. Section 31-7-1, Mississippi Code of 1972, is amended as follows:

31-7-1. The following terms are defined for the purposes of this chapter to have the following meanings:

(a) "Agency" means any state board, commission, committee, council, university, department or unit thereof created by the Constitution or statutes if such board, commission, committee, council, university, department, unit or the head thereof is authorized to appoint subordinate staff by the Constitution or statute, except a legislative or judicial board, commission, committee, council, department or unit thereof; except a charter school authorized by the Mississippi Charter School Authorizer Board; and except the Mississippi State Port Authority; and except the Mississippi School of the Arts (MSA) established in Section 37-140-1 et seq. An academic medical center or health sciences school as defined in Section 37-115-50 is not an "agency" for those purchases of commodities as defined in this section that are used for clinical purposes and (i) intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease, and (ii) medical devices, biological, drugs and radiation emitting devices as defined by the United States Food and Drug Administration.

(b) "Governing authority" means boards of supervisors, governing boards of all school districts, all boards of directors of public water supply districts, boards of directors of master public water supply districts, municipal public utility commissions, governing authorities of all municipalities, port authorities, Mississippi State Port Authority, commissioners and boards of trustees of any public hospitals, boards of trustees of

public library systems, district attorneys, school attendance officers and any political subdivision of the state supported wholly or in part by public funds of the state or political subdivisions thereof, including commissions, boards and agencies created or operated under the authority of any county or municipality of this state. The term "governing authority" shall not include economic development authorities supported in part by private funds, or commissions appointed to hold title to and oversee the development and management of lands and buildings which are donated by private individuals to the public for the use and benefit of the community and which are supported in part by private funds. The term "governing authority" also shall not include the governing board of a charter school. The term "governing authority" also shall not include the Mississippi School of the Arts established in Section 37-140-1 et seq.

(c) "Purchasing agent" means any administrator, superintendent, purchase clerk or other chief officer so designated having general or special authority to negotiate for and make private contract for or purchase for any governing authority or agency, including issue purchase orders, invitations for bid, requests for proposals, and receive and accept bids.

(d) "Public funds" means and includes any appropriated funds, special funds, fees or any other emoluments received by an agency or governing authority.

(e) "Commodities" means and includes the various commodities, goods, merchandise, furniture, equipment, automotive equipment of every kind, and other personal property purchased by the agencies of the state and governing authorities, but not commodities purchased for resale or raw materials converted into products for resale.

(i) "Equipment" shall be construed to include: automobiles, trucks, tractors, office appliances and all other equipment of every kind and description.

(ii) "Furniture" shall be construed to include: desks, chairs, tables, seats, filing cabinets, bookcases and all other items of a similar nature as well as dormitory furniture, appliances, carpets and all other items of personal property generally referred to as home, office or school furniture.

(f) "Emergency" means any circumstances caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection or caused by any inherent defect due to defective construction, or when the immediate preservation of order or of public health is necessary by reason of unforeseen emergency, or when the immediate restoration of a condition of usefulness of any public building, equipment, road or bridge appears advisable, or in the case of a public utility when there is a failure of any machine or other thing used and useful in the generation, production or distribution of electricity, water or natural gas, or in the transportation or treatment of sewage; or when the delay incident

to obtaining competitive bids could cause adverse impact upon the governing authorities or agency, its employees or its citizens; or in the case of a public airport, when the delay incident to publishing an advertisement for competitive bids would endanger public safety in a specific (not general) manner, result in or perpetuate a specific breach of airport security, or prevent the airport from providing specific air transportation services.

(g) "Construction" means the process of building, altering, improving, renovating or demolishing a public structure, public building, or other public real property. It does not include routine operation, routine repair or regularly scheduled maintenance of existing public structures, public buildings or other public real property.

(h) "Purchase" means buying, renting, leasing or otherwise acquiring.

(i) "Certified purchasing office" means any purchasing office in which fifty percent (50%) or more of the purchasing agents hold a certification from the Universal Public Purchasing Certification Council or other nationally recognized purchasing certification, and in which, in the case of a state agency purchasing office, in addition to the national certification, one hundred percent (100%) of the purchasing officials hold a certification from the State of Mississippi's Basic or Advanced Purchasing Certification Program.

(j) "Certified Mississippi Purchasing Agent" means a state agency purchasing official who holds a certification from the Mississippi Basic Purchasing Certification Program as established by the Office of Purchasing, Travel and Fleet Management.

(k) "Certified Mississippi Procurement Manager" means a state agency purchasing official who holds a certification from the Mississippi Advanced Purchasing Certification Program as established by the Office of Purchasing, Travel and Fleet Management.

SECTION 5. Section 37-7-307, Mississippi Code of 1972, is amended as follows:

37-7-307. (1) For purposes of this section, the term "licensed employee" means any employee of a public school district required to hold a valid license by the Commission on Teacher and Administrator Education, Certification and Licensure and Development.

(2) The school board of a school district shall establish by rules and regulations a policy of sick leave with pay for licensed employees and teacher assistants employed in the school district, and such policy shall include the following minimum provisions for sick and emergency leave with pay:

(a) Each licensed employee and teacher assistant, at the beginning of each school year, shall be credited with a minimum sick leave allowance, with pay, of seven (7) days for

absences caused by illness or physical disability of the employee during that school year.

(b) Any unused portion of the total sick leave allowance shall be carried over to the next school year and credited to such licensed employee and teacher assistant if the licensed employee or teacher assistant remains employed in the same school district. In the event any public school licensed employee or teacher assistant transfers from one public school district in Mississippi to another, any unused portion of the total sick leave allowance credited to such licensed employee or teacher assistant shall be credited to such licensed employee or teacher assistant in the computation of unused leave for retirement purposes under Section 25-11-109. Accumulation of sick leave allowed under this section shall be unlimited.

(c) No deduction from the pay of such licensed employee or teacher assistant may be made because of absence of such licensed employee or teacher assistant caused by illness or physical disability of the licensed employee or teacher assistant until after all sick leave allowance credited to such licensed employee or teacher assistant has been used.

(d) For the first ten (10) days of absence of a licensed employee because of illness or physical disability, in any school year, in excess of the sick leave allowance credited to such licensed employee, there shall be deducted from the pay of such licensed employee the established substitute amount of

licensed employee compensation paid in that local school district, necessitated because of the absence of the licensed employee as a result of illness or physical disability. In lieu of deducting the established substitute amount from the pay of such licensed employee, the policy may allow the licensed employee to receive full pay for the first ten (10) days of absence because of illness or physical disability, in any school year, in excess of the sick leave allowance credited to such licensed employee. Thereafter, the regular pay of such absent licensed employee shall be suspended and withheld in its entirety for any period of absence because of illness or physical disability during that school year.

(3) (a) Beginning with the school year 1983-1984, each licensed employee at the beginning of each school year shall be credited with a minimum personal leave allowance, with pay, of two (2) days for absences caused by personal reasons during that school year. Effective for the 2010-2011 and 2011-2012 school years, licensed employees shall be credited with an additional one-half (1/2) day of personal leave for every day the licensed employee is furloughed without pay as provided in Section 37-7-308. Except as otherwise provided in paragraph (b) of this subsection, such personal leave shall not be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday. Personal leave may be used for professional purposes, including absences caused by attendance of such licensed employee at a seminar, class,

training program, professional association or other functions designed for educators. No deduction from the pay of such licensed employee may be made because of absence of such licensed employee caused by personal reasons until after all personal leave allowance credited to such licensed employee has been used. However, the superintendent of a school district, in his discretion, may allow a licensed employee personal leave in addition to any minimum personal leave allowance, under the condition that there shall be deducted from the salary of such licensed employee the actual amount of any compensation paid to any person as a substitute, necessitated because of the absence of the licensed employee. Any unused portion of the total personal leave allowance up to five (5) days shall be carried over to the next school year and credited to such licensed employee if the licensed employee remains employed in the same school district. Any personal leave allowed for a furlough day shall not be carried over to the next school year.

(b) Notwithstanding the restrictions on the use of personal leave prescribed under paragraph (a) of this subsection, a licensed employee may use personal leave as follows:

(i) Personal leave may be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday if, on the applicable day, an immediate family member of the employee is being deployed for military service.

(ii) Personal leave may be taken on a day previous to a holiday or a day after a holiday if an employee of a school district has either a minimum of ten (10) years' experience as an employee of that school district or a minimum of thirty (30) days of unused accumulated leave that has been earned while employed in that school district.

(iii) Personal leave may be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday if, on the applicable day, the employee has been summoned to appear for jury duty or as a witness in court.

(4) Beginning with the school year 1992-1993, each licensed employee shall be credited with a professional leave allowance, with pay, for each day of absence caused by reason of such employee's statutorily required membership and attendance at a regular or special meeting held within the State of Mississippi of the State Board of Education, the Commission on Teacher and Administrator Education, Certification and Licensure and Development, the Commission on School Accreditation, the Mississippi Authority for Educational Television, the meetings of the state textbook rating committees or other meetings authorized by local school board policy.

(5) Upon retirement from employment, each licensed and nonlicensed employee shall be paid for not more than thirty (30) days of unused accumulated leave earned while employed by the

school district in which the employee is last employed. Such payment for licensed employees shall be made by the school district at a rate equal to the amount paid to substitute teachers and for nonlicensed employees, the payment shall be made by the school district at a rate equal to the federal minimum wage. The payment shall be treated in the same manner for retirement purposes as a lump-sum payment for personal leave as provided in Section 25-11-103(e). Any remaining lawfully credited unused leave, for which payment has not been made, shall be certified to the Public Employees' Retirement System in the same manner and subject to the same limitations as otherwise provided by law for unused leave. No payment for unused accumulated leave may be made to either a licensed or nonlicensed employee at termination or separation from service for any purpose other than for the purpose of retirement.

(6) The school board may adopt rules and regulations which will reasonably aid to implement the policy of sick and personal leave, including, but not limited to, rules and regulations having the following general effect:

(a) Requiring the absent employee to furnish the certificate of a physician or dentist or other medical practitioner as to the illness of the absent licensed employee, where the absence is for four (4) or more consecutive school days, or for two (2) consecutive school days immediately preceding or following a nonschool day;

(b) Providing penalties, by way of full deduction from salary, or entry on the work record of the employee, or other appropriate penalties, for any materially false statement by the employee as to the cause of absence;

(c) Forfeiture of accumulated or future sick leave, if the absence of the employee is caused by optional dental or medical treatment or surgery which could, without medical risk, have been provided, furnished or performed at a time when school was not in session;

(d) Enlarging, increasing or providing greater sick or personal leave allowances than the minimum standards established by this section in the discretion of the school board of each school district.

(7) School boards may include in their budgets provisions for the payment of substitute employees, necessitated because of the absence of regular licensed employees. All such substitute employees shall be paid wholly from district funds, except as otherwise provided for long-term substitute teachers in Section 37-19-20. Such school boards, in their discretion, also may pay, from district funds other than adequate education program funds, the whole or any part of the salaries of all employees granted leaves for the purpose of special studies or training.

(8) The school board may further adopt rules and regulations which will reasonably implement such leave policies for all other nonlicensed and hourly paid school employees as the board deems

appropriate. Effective for the 2010-2011 and 2011-2012 school years, nonlicensed employees shall be credited with an additional one-half (1/2) day of personal leave for every day the nonlicensed employee is furloughed without pay as provided in Section 37-7-308.

(9) Vacation leave granted to either licensed or nonlicensed employees shall be synonymous with personal leave. Unused vacation or personal leave accumulated by licensed employees in excess of the maximum five (5) days which may be carried over from one year to the next may be converted to sick leave. The annual conversion of unused vacation or personal leave to sick days for licensed or unlicensed employees shall not exceed the allowable number of personal leave days as provided in Section 25-3-93. The annual total number of converted unused vacation and/or personal days added to the annual unused sick days for any employee shall not exceed the combined allowable number of days per year provided in Sections 25-3-93 and 25-3-95. Local school board policies that provide for vacation, personal and sick leave for employees shall not exceed the provisions for leave as provided in Sections 25-3-93 and 25-3-95. Any personal or vacation leave previously converted to sick leave under a lawfully adopted policy before May 1, 2004, or such personal or vacation leave accumulated and available for use prior to May 1, 2004, under a lawfully adopted policy but converted to sick leave after May 1, 2004, shall be recognized as accrued leave by the local school district and

available for use by the employee. The leave converted under a lawfully adopted policy prior to May 1, 2004, or such personal and vacation leave accumulated and available for use as of May 1, 2004, which was subsequently converted to sick leave may be certified to the Public Employees' Retirement System upon termination of employment and any such leave previously converted and certified to the Public Employees' Retirement System shall be recognized.

(10) (a) For the purposes of this subsection, the following words and phrases shall have the meaning ascribed in this paragraph unless the context requires otherwise:

(i) "Catastrophic injury or illness" means a life-threatening injury or illness of an employee or a member of an employee's immediate family that totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation from the local school district for the employee. Conditions that are short-term in nature, including, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, that result in intermittent absences from work and that are long-term in nature and require long recuperation periods may be considered catastrophic.

(ii) "Immediate family" means spouse, parent, stepparent, sibling, child or stepchild.

(b) Any school district employee may donate a portion of his or her unused accumulated personal leave or sick leave to another employee of the same school district who is suffering from a catastrophic injury or illness or who has a member of his or her immediate family suffering from a catastrophic injury or illness, in accordance with the following:

(i) The employee donating the leave (the "donor employee") shall designate the employee who is to receive the leave (the "recipient employee") and the amount of unused accumulated personal leave and sick leave that is to be donated, and shall notify the school district superintendent or his designee of his or her designation.

(ii) The maximum amount of unused accumulated personal leave that an employee may donate to any other employee may not exceed a number of days that would leave the donor employee with fewer than seven (7) days of personal leave remaining, and the maximum amount of unused accumulated sick leave that an employee may donate to any other employee may not exceed fifty percent (50%) of the unused accumulated sick leave of the donor employee.

(iii) An employee must have exhausted all of his or her available leave before he or she will be eligible to receive any leave donated by another employee. Eligibility for

donated leave shall be based upon review and approval by the donor employee's supervisor.

(iv) Before an employee may receive donated leave, he or she must provide the school district superintendent or his designee with a physician's statement that states that the illness meets the catastrophic criteria established under this section, the beginning date of the catastrophic injury or illness, a description of the injury or illness, and a prognosis for recovery and the anticipated date that the recipient employee will be able to return to work.

(v) Before an employee may receive donated leave, the superintendent of education of the school district shall appoint a review committee to approve or disapprove the said donations of leave, including the determination that the illness is catastrophic within the meaning of this section.

(vi) If the total amount of leave that is donated to any employee is not used by the recipient employee, the whole days of donated leave shall be returned to the donor employees on a pro rata basis, based on the ratio of the number of days of leave donated by each donor employee to the total number of days of leave donated by all donor employees.

(vii) Donated leave shall not be used in lieu of disability retirement.

(11) Effective January 1, 2020, the provisions of this section shall be fully applicable to any licensed employee of the Mississippi School of the Arts (MSA).

SECTION 6. Section 37-9-17, Mississippi Code of 1972, is amended as follows:

37-9-17. (1) On or before April 1 of each year, the principal of each school shall recommend to the superintendent of the local school district the licensed employees or noninstructional employees to be employed for the school involved except those licensed employees or noninstructional employees who have been previously employed and who have a contract valid for the ensuing scholastic year. If such recommendations meet with the approval of the superintendent, the superintendent shall recommend the employment of such licensed employees or noninstructional employees to the local school board, and, unless good reason to the contrary exists, the board shall elect the employees so recommended. If, for any reason, the local school board shall decline to elect any employee so recommended, additional recommendations for the places to be filled shall be made by the principal to the superintendent and then by the superintendent to the local school board as provided above. The school board of any local school district shall be authorized to designate a personnel supervisor or another principal employed by the school district to recommend to the superintendent licensed employees or noninstructional employees; however, this

authorization shall be restricted to no more than two (2) positions for each employment period for each school in the local school district. Any noninstructional employee employed upon the recommendation of a personnel supervisor or another principal employed by the local school district must have been employed by the local school district at the time the superintendent was elected or appointed to office; a noninstructional employee employed under this authorization may not be paid compensation in excess of the statewide average compensation for such noninstructional position with comparable experience, as established by the State Department of Education. The school board of any local school district shall be authorized to designate a personnel supervisor or another principal employed by the school district to accept the recommendations of principals or their designees for licensed employees or noninstructional employees and to transmit approved recommendations to the local school board; however, this authorization shall be restricted to no more than two (2) positions for each employment period for each school in the local school district.

When the licensed employees have been elected as provided in the preceding paragraph, the superintendent of the district shall enter into a contract with such persons in the manner provided in this chapter.

If, at the commencement of the scholastic year, any licensed employee shall present to the superintendent a license of a higher

grade than that specified in such individual's contract, such individual may, if funds are available from adequate education program funds of the district, or from district funds, be paid from such funds the amount to which such higher grade license would have entitled the individual, had the license been held at the time the contract was executed.

(2) Superintendents/directors of schools under the purview of the State Board of Education, the superintendent of the local school district and any private firm under contract with the local public school district to provide substitute teachers to teach during the absence of a regularly employed schoolteacher shall require, through the appropriate governmental authority, that current criminal records background checks and current child abuse registry checks are obtained, and that such criminal record information and registry checks are on file for any new hires applying for employment as a licensed or nonlicensed employee at a school and not previously employed in such school under the purview of the State Board of Education or at such local school district prior to July 1, 2000. In order to determine the applicant's suitability for employment, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. The fee for such fingerprinting and criminal history record check shall be paid by

the applicant, not to exceed Fifty Dollars ($50.00); however, the State Board of Education, the school board of the local school district or a private firm under contract with a local school district to provide substitute teachers to teach during the temporary absence of the regularly employed schoolteacher, in its discretion, may elect to pay the fee for the fingerprinting and criminal history record check on behalf of any applicant. Under no circumstances shall a member of the State Board of Education, superintendent/director of schools under the purview of the State Board of Education, local school district superintendent, local school board member or any individual other than the subject of the criminal history record checks disseminate information received through any such checks except insofar as required to fulfill the purposes of this section. Any nonpublic school which is accredited or approved by the State Board of Education may avail itself of the procedures provided for herein and shall be responsible for the same fee charged in the case of local public schools of this state. The determination whether the applicant has a disqualifying crime, as set forth in subsection (3) of this section, shall be made by the appropriate governmental authority, and the appropriate governmental authority shall notify the private firm whether a disqualifying crime exists.

(3) If such fingerprinting or criminal record checks disclose a felony conviction, guilty plea or plea of nolo contendere to a felony of possession or sale of drugs, murder,

manslaughter, armed robbery, rape, sexual battery, sex offense listed in Section 45-33-23(h), child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault which has not been reversed on appeal or for which a pardon has not been granted, the new hire shall not be eligible to be employed at such school. Any employment contract for a new hire executed by the superintendent of the local school district or any employment of a new hire by a superintendent/director of a new school under the purview of the State Board of Education or by a private firm shall be voidable if the new hire receives a disqualifying criminal record check. However, the State Board of Education or the school board may, in its discretion, allow any applicant aggrieved by the employment decision under this section to appear before the respective board, or before a hearing officer designated for such purpose, to show mitigating circumstances which may exist and allow the new hire to be employed at the school. The State Board of Education or local school board may grant waivers for such mitigating circumstances, which shall include, but not be limited to: (a) age at which the crime was committed; (b) circumstances surrounding the crime; (c) length of time since the conviction and criminal history since the conviction; (d) work history; (e) current employment and character references; (f) other evidence demonstrating the ability of the person to perform the employment responsibilities competently and that the person does not pose a threat to the health or safety of the children at the school.

(4) No local school district, local school district employee, member of the State Board of Education or employee of a school under the purview of the State Board of Education shall be held liable in any employment discrimination suit in which an allegation of discrimination is made regarding an employment decision authorized under this Section 37-9-17.

(5) The provisions of this section shall be fully applicable to licensed employees of the Mississippi School of the Arts (MSA), established in Section 37-140-1 et seq.

SECTION 7. Section 37-9-59, Mississippi Code of 1972, is amended as follows:

37-9-59. For incompetence, neglect of duty, immoral conduct, intemperance, brutal treatment of a pupil or other good cause the superintendent of schools may dismiss or suspend any licensed employee in any school district. Before being so dismissed or suspended any licensed employee shall be notified of the charges against him and he shall be advised that he is entitled to a public hearing upon said charges. Provided, however, that a school superintendent whose employment has been terminated under this section shall not have the right to request a hearing before the school board or a hearing officer. Provided, however, that a licensed employee in a conservator school district whose employment has been terminated under this section for good cause as determined by a conservator appointed by the State Board of Education shall not have a right to request a hearing before the

school board, a hearing officer or the State Board of Education. The conservator has the right to immediately terminate a licensed employee under this section. In the event the continued presence of said employee on school premises poses a potential threat or danger to the health, safety or general welfare of the students, or, in the discretion of the superintendent, may interfere with or cause a disruption of normal school operations, the superintendent may immediately release said employee of all duties pending a hearing if one is requested by the employee. In the event a licensed employee is arrested, indicted or otherwise charged with a felony by a recognized law enforcement official, the continued presence of the licensed employee on school premises shall be deemed to constitute a disruption of normal school operations. The school board, upon a request for a hearing by the person so suspended or removed shall set a date, time and place for such hearing which shall be not sooner than five (5) days nor later than thirty (30) days from the date of the request. The procedure for such hearing shall be as prescribed for hearings before the board or hearing officer in Section 37-9-111. From the decision made at said hearing, any licensed employee shall be allowed an appeal to the chancery court in the same manner as appeals are authorized in Section 37-9-113. Any party aggrieved by action of the chancery court may appeal to the Mississippi Supreme Court as provided by law. In the event that a licensed employee is immediately relieved of duties pending a hearing, as provided in

this section, said employee shall be entitled to compensation for a period up to and including the date that the initial hearing is set by the school board, in the event that there is a request for such a hearing by the employee. In the event that an employee does not request a hearing within five (5) calendar days of the date of the notice of discharge or suspension, it shall constitute a waiver of all rights by said employee and such discharge or suspension shall be effective on the date set out in the notice to the employee.

The school board of every school district in this state is hereby prohibited from denying employment or reemployment to any person as a superintendent, principal or licensed employee, as defined in Section 37-19-1, or as a noninstructional personnel, as defined in Section 37-9-1, for the single reason that any eligible child of such person does not attend the school system in which such superintendent, principal, licensed employee or noninstructional personnel is employed.

The provisions of this section shall be fully applicable to any administrator or employee of the Mississippi School of the Arts (MSA).

SECTION 8. Section 37-9-103, Mississippi Code of 1972, is amended as follows:

37-9-103. (1) As used in Sections 37-9-101 through 37-9-113, the word "employee" shall include:

(a) Any teacher, principal, superintendent or other professional personnel employed by the local school district or the Mississippi School of the Arts (MSA) for a continuous period of two (2) years with that district and required to have a valid license issued by the State Department of Education as a prerequisite of employment; or

(b) Any teacher, principal, superintendent or other professional personnel who has completed a continuous period of two (2) years of employment in a Mississippi public school district and one (1) full year of employment with the school district of current employment or the MSA, and who is required to have a valid license issued by the State Department of Education as a prerequisite of employment.

(2) (a) The Education Employment Procedures Law shall not apply to any category of employee as defined in this section employed in any school district after the Governor declares a state of emergency under the provisions of Section 37-17-6(11). The Education Employment Procedures Law shall not be applicable in any school district for the full period of time that those conditions, as defined in Section 37-17-6(11), exist.

(b) The Education Employment Procedures Law shall not apply to any category of teacher, administrator or other employee employed to work in any charter school.

(3) For purposes of Sections 37-9-101 through 37-9-113, the term "days" means calendar days.

SECTION 9. Section 27-104-13, Mississippi Code of 1972, is amended as follows:

27-104-13. (1) The State Fiscal Officer may disapprove or reduce and revise the estimates of general funds and state-source special funds for any general fund or special fund agency and for the "administration and other expenses" budget of the Mississippi Department of Transportation, in an amount not to exceed five percent (5%), if at any time he finds that funds will not be available within the period for which the budget is drawn, or if at any time he finds that the requested expenditures, or any part thereof, are not authorized by law, and that action shall be reported to the Legislative Budget Office.

The State Fiscal Officer may, upon his determination of need based upon a finding that funds will not be available within the period for which the budget is drawn, transfer funds as provided in Section 27-103-203, from the Working Cash-Stabilization Reserve Fund to the General Fund to supplement the general fund revenue.

If the estimates of general funds and state-source special funds of all general fund and special fund agencies and of the "administration and other expenses" budget of the Mississippi Department of Transportation have been reduced by five percent (5%), additional reductions may be made, but shall consist of a uniform percentage reduction of general funds and state-source special funds to all general fund and special fund agencies and to

the "administration and other expenses" budget of the Mississippi Department of Transportation.

Any state-source special funds reduced under the provisions of this subsection (1) shall be transferred to the State General Fund upon requisitions for warrants signed by the respective agency head, and the transfer shall be made within a reasonable period to be determined by the State Fiscal Officer.

The provisions of this subsection (1) authorizing the State Fiscal Officer to disapprove or reduce and revise the estimates of general funds and state-source special funds for the "administration and other expenses" budget of the Mississippi Department of Transportation shall be suspended during the period from June 30, 2009, through June 30, 2010.

(2) The Department of Revenue and University Research Center, utilizing all available revenue forecast data, shall annually develop a general fund revenue estimate to be adopted by the Joint Legislative Budget Committee as of the date of sine die adjournment. If, at the end of October, or at the end of any month thereafter of any fiscal year, the revenues received for the fiscal year fall below ninety-eight percent (98%) of the general fund revenue estimate adopted by the Joint Legislative Budget Committee at the date of sine die adjournment, the State Fiscal Officer shall reduce allocations of general funds and state-source special funds to general fund and special fund agencies and to the "administration and other expenses" budget of the Mississippi

Department of Transportation, in an amount necessary to keep expenditures within the sum of actual general fund receipts, including any transfers to the General Fund from the Working Cash-Stabilization Reserve Fund for the fiscal year.

The State Fiscal Officer may, upon his determination of need based on the revenue shortfall, transfer funds as provided in Section 27-103-203 from the Working Cash-Stabilization Reserve Fund to the General Fund to supplement the general fund revenue. State-source special funds in an amount equal to any reduction made under the provisions of this subsection (2) shall be transferred to the State General Fund upon requisitions for warrants signed by the respective agency head, and the transfer shall be made within a reasonable period to be determined by the State Fiscal Officer.

No agency's allocation shall be reduced in an amount to exceed five percent (5%); however, if the allocations of general funds and state-source special funds to all general fund and special fund agencies and to the "administration and other expenses" budget of the Mississippi Department of Transportation have been reduced by five percent (5%), any additional reductions required to be made under this subsection (2) shall consist of a uniform percentage reduction of general funds and state-source special funds to all general fund and special fund agencies and to the "administration and other expenses" budget of the Mississippi Department of Transportation. Any receipt from loans authorized

by Sections 31-17-101 through 31-17-123 shall not be included as revenue receipts.

The State Fiscal Officer shall immediately send notice of any action taken under authority of this subsection (2) to the Legislative Budget Office.

The provisions of this subsection (2) requiring the State Fiscal Officer to reduce allocations of general funds and state-source special funds to general fund and special fund agencies and to the "administration and other expenses" budget of the Mississippi Department of Transportation shall be suspended during the period from June 30, 2009, through June 30, 2010.

(3) For the purpose of this section, the term "state-source special funds" means any special funds in any agency derived from any source, but shall not include the following special funds: special funds derived from federal sources, from local or regional political subdivisions, from agricultural commodity assessments, or from donations; special funds derived from additional fees paid for the issuance of distinctive motor vehicle license tags or plates authorized under the provisions of Chapter 19, Title 27, Mississippi Code of 1972; special funds held in a fiduciary capacity for the benefit of specific persons or classes of persons; special funds of the Mississippi Veterans Affairs Board that are paid to the board by the veteran residents of state veterans homes to fund their monthly expenses at the state veterans homes; self-generated special funds of the state

institutions of higher learning or the state community or junior colleges; special funds of Mississippi Industries for the Blind, the State Port at Gulfport, Yellow Creek Inland Port, Pat Harrison Waterway District, Pearl River Basin Development District, Pearl River Valley Water Management District, Tombigbee River Valley Water Management District, Yellow Creek Watershed Authority, or Coast Coliseum Commission; special funds of the Department of Wildlife, Fisheries and Parks and the Department of Marine Resources derived from the issuance of hunting or fishing licenses; and special funds generated by agencies whose primary function includes the establishment of standards and the issuance of licenses for the practice of a profession within the State of Mississippi. The Mississippi School of the Arts established in Section 37-140-1 et seq., Mississippi Code of 1972, the Mississippi School for the Blind and Deaf established in Section 43-5-1 et seq., and the Mississippi School for Math and Science established in Section 37-139-1 et seq., shall be subject to any mid-year budget revisions or reductions imposed by the State Fiscal Officer under this section only to the same extent as is applicable to other school districts in the state.

SECTION 10. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2679

Description: Mississippi Code of Military Justice; increase certain fines provided for commanding officer's nonjudicial punishment.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Judiciary, Division A
2	01/31	(S) Title Suff Do Pass
3	02/06	(S) Passed {Vote}
4	02/07	(S) Transmitted To House
5	02/19	(H) Referred To Military Affairs
6	02/26	(H) Title Suff Do Pass
7	03/12	(H) Passed {Vote}
8	03/13	(H) Returned For Enrolling
9	03/19	(S) Enrolled Bill Signed
10	03/19	(H) Enrolled Bill Signed
11	03/22	Approved by Governor

Code Section: A 033-0013-0031

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Military Affairs

Principal Author: DeBar
Additional Authors: Parker

Title: AN ACT TO AMEND SECTION 33-13-31, MISSISSIPPI CODE OF 1972, TO INCREASE CERTAIN FINES PROVIDED FOR A COMMANDING OFFICER'S NONJUDICIAL PUNISHMENT UNDER THE MISSISSIPPI CODE OF MILITARY JUSTICE; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2679

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) DeBar, Parker To: Judiciary, Division A

SENATE BILL NO. 2679

AN ACT TO AMEND SECTION 33-13-31, MISSISSIPPI CODE OF 1972, TO INCREASE CERTAIN FINES PROVIDED FOR A COMMANDING OFFICER'S NONJUDICIAL PUNISHMENT UNDER THE MISSISSIPPI CODE OF MILITARY JUSTICE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 33-13-31, Mississippi Code of 1972, is amended as follows:

33-13-31. (1) Under such regulations as the Governor may prescribe, limitations may be placed on the powers granted by this section with respect to the kind and amount of punishment authorized, and the categories of commanding officers and warrant officers exercising command authorized to exercise those powers. Under similar regulations, rules may be prescribed with respect to the suspension of punishments authorized hereunder. If authorized by regulations of the Governor, the Governor or an officer of general rank in command may delegate his powers under this section to a principal assistant. If disciplinary punishment other than admonition or reprimand is to be imposed, the accused shall be afforded the opportunity to consult with counsel having the

qualifications prescribed under Section 33-13-15(2), Mississippi Code of 1972, if available. Otherwise, the accused shall be afforded the opportunity to be represented by any available commissioned officer of his choice. The accused may also employ civilian counsel of his own choosing at his own expense. In all proceedings, the accused is allowed forty-eight (48) hours, or longer on written justification, to reply to the notification of intent to impose punishment under this section.

(2) Subject to subsection (1) of this section, any commanding officer or the Commandant of the Mississippi Military Academy may, in addition to or in lieu of admonition or reprimand, impose one or more of the following disciplinary punishments for minor offenses:

(a) Upon officers of his command:

(i) Restriction to certain specified limits with or without suspension from duty, for not more than thirty (30) days;

(ii) If imposed by the Governor, or an officer of general rank in command * * *:

* * *1. Arrest in quarters for not more than thirty (30) days;

* * *2. A fine of not more than * * * Two Hundred Twenty-five Dollars ($225.00), subject to such limitations as may be imposed by federal law;

* * *3. Restriction to certain specified limits, with or without suspension from duty, for not more than sixty (60) days;

* * *4. Detention of not more than one-half (1/2) of one (1) month's pay per month for three (3) months.

(b) Upon other personnel of his command:

(i) If imposed upon a person attached to or embarked in a vessel, confinement for not more than three (3) days;

(ii) Correctional custody for not more than seven (7) days;

(iii) A fine of not more than * * * One Hundred Seventy-five Dollars ($175.00), subject to such limitations as may be imposed by federal law;

(iv) Reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;

(v) Extra duties including fatigue or other duties, for not more than thirty (30) days, which need not be consecutive, and for not more than two (2) hours per day, holidays included;

(vi) Restriction to certain specified limits, with or without suspension from duty for not more than thirty (30) days;

(vii) Detention of not more than fourteen (14) days' pay;

(viii) If imposed by an officer of the grade of major or above * * *:

* * *1. The punishment authorized under subsection (2)(b)(i) of this section;

* * *2. Correctional custody for not more than thirty (30) days;

* * *3. A fine of not more than * * * Two Hundred Twenty-five Dollars ($225.00), subject to such limitations as may be imposed by federal law;

* * *4. Reduction to the lowest or any intermediate pay grade if the grade from which demoted is within the promotion authority of the officer imposing the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than two (2) pay grades;

* * *5. Extra duties including fatigue or other duties, for not more than forty-five (45) days which need not be consecutive and for not more than two (2) hours per day, holidays included;

* * *6. Restriction to certain specified limits with or without suspension from duty, for not more than sixty (60) days;

* * *7. Detention of not more than one-half (1/2) of one (1) month's pay per month for three (3) months.

Detention of pay shall be for a stated period of not more than one (1) year but if the offender's term of service expires earlier, the detention shall terminate upon that expiration. No two (2) or more of the punishments of arrest in quarters, correctional custody, extra duties and restriction may be combined to run consecutively in the maximum amount imposable for each. Whenever any of those punishments are combined to run consecutively, there must be an apportionment. For the purpose of this subsection, "correctional custody" is the physical restraint of a person during nonduty hours and may include extra duties, fatigue duties or hard labor. If practicable, correctional custody will not be served in immediate association with persons awaiting trial or held in confinement pursuant to trial by court-martial.

(3) (a) An officer in charge may impose upon enlisted members assigned to the unit of which he is in charge such of the punishments authorized under subsection (2)(b)(i)-(vii) of this section as the Governor may specifically prescribe by regulation.

(b) The Commandant of the Mississippi Military Academy may impose upon officers of which he is in charge such of the punishments authorized under subsection (2)(a)(i) of this section.

(4) The officer who imposes the punishment authorized in subsection (2) or his successor in command may, at any time, suspend probationally any part or amount of the unexecuted punishment imposed and may suspend probationally a reduction in

grade or fine imposed under subsection (2), whether or not executed. In addition, he may, at any time, remit or mitigate any part or amount of the unexecuted punishment imposed and may set aside, in whole or in part, the punishment, whether executed or unexecuted, and restore all rights, privileges and property affected. He may also mitigate reduction in grade to a fine and/or detention of pay.

When mitigating (a) arrest in quarters or restriction, or (b) extra duties to restriction, the mitigated punishment shall not be for a greater period than the punishment mitigated.

When mitigating reduction in grade to a fine and/or detention of pay, the amount of the fine and/or detention shall not be greater than the amount that could have been imposed initially under this section by the officer who imposed the punishment mitigated.

(5) A person punished under this section who considers his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may, in the meantime, be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subsection (4) of this section by the officer who imposed the punishment. Before acting on an appeal from a punishment of:

(a) Arrest in quarters for more than seven (7) days;

(b) Correctional custody for more than seven (7) days;

(c) A fine of * * * Two Hundred Twenty-five Dollars ($225.00);

(d) Reduction of one or more pay grades from the fourth or a higher pay grade;

(e) Extra duties for more than fourteen (14) days' pay;

(f) Restriction of more than fourteen (14) days' pay;

(g) Detention of more than fourteen (14) days' pay; the authority who is to act on the appeal shall refer the case to a judge advocate of the state military forces for consideration and advice, and may so refer the case upon appeal from any punishment imposed under subsection (2).

(6) The imposition and enforcement of disciplinary punishment under this section for any act or omission is not a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this section, but the fact that disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(7) The Governor may, by regulation, prescribe the form of records to be kept of proceedings under this section and may also prescribe that certain categories of those proceedings shall be in writing.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2680

Description: Summary courts-martial; decision to grant a trial is reserved to the special or general court-martial convening authority.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Judiciary, Division A
2	01/31	(S) Title Suff Do Pass
3	02/06	(S) Passed {Vote}
4	02/07	(S) Transmitted To House
5	02/19	(H) Referred To Military Affairs
6	02/26	(H) Title Suff Do Pass
7	03/12	(H) Passed {Vote}
8	03/13	(H) Returned For Enrolling
9	03/19	(S) Enrolled Bill Signed
10	03/19	(H) Enrolled Bill Signed
11	03/22	Approved by Governor

Code Section: A 033-0013-0159

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Military Affairs

Principal Author: DeBar
Additional Authors: Parker

Title: AN ACT TO AMEND SECTION 33-13-159, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE DECISION TO GRANT A TRIAL BEFORE A SUMMARY COURTS-MARTIAL IS RESERVED TO THE SPECIAL OR GENERAL COURT-MARTIAL CONVENING AUTHORITY, RESPECTIVELY; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2680

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) DeBar, Parker To: Judiciary, Division A

SENATE BILL NO. 2680

AN ACT TO AMEND SECTION 33-13-159, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE DECISION TO GRANT A TRIAL BEFORE A SUMMARY COURTS-MARTIAL IS RESERVED TO THE SPECIAL OR GENERAL COURT-MARTIAL CONVENING AUTHORITY, RESPECTIVELY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 33-13-159, Mississippi Code of 1972, is amended as follows:

33-13-159. (1) Subject to Section 33-13-153 of this code, summary courts-martial have jurisdiction to try persons subject to this code, except officers, for any offense made punishable by this code.

(2) Any person given notice of trial by a summary courts-martial may request trial before a special or general courts-martial. The decision to grant this request is reserved to the special or general court-martial convening authority, respectively.

(3) The maximum sentence a summary courts-martial may impose for a single offense is:

(a) A fine of not more than Two Hundred Fifty Dollars ($250.00);

(b) Reduction to the lowest or any intermediate pay grade, but an enlisted member in a pay grade above E-4 may not be reduced more than four (4) pay grades;

(c) Confinement for not more than thirty (30) days;

(d) Forfeiture of all pay and allowances for any period of confinement;

(e) If found to have willfully or maliciously caused any injury to any person or property, restitution in an amount of Three Thousand Five Hundred Dollars ($3,500.00) or less; and

(f) Any punishment authorized in Section 33-13-31.

(4) Any person given notice of a trial by a summary courts-martial who fails to appear at trial may be tried, convicted and sentenced in absentia.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2687

Description: MS Gulf Coast Region Utility Board; extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Energy
2	02/05	(S) Title Suff Do Pass
3	02/07	(S) Passed {Vote}
4	02/08	(S) Transmitted To House
5	02/19	(H) Referred To Public Utilities
6	02/28	(H) Title Suff Do Pass
7	03/11	(H) Passed {Vote}
8	03/12	(H) Returned For Enrolling
9	03/19	(S) Enrolled Bill Signed
10	03/19	(H) Enrolled Bill Signed
11	03/22	Approved by Governor

Code Section: RA 049-0017-0707, RA 049-0017-0711, RA 049-0017-0713, RA 049-0017-0709

----- Additional Information -----

Senate Committee: Energy
House Committee: Public Utilities

Principal Author: Doty
Additional Authors: Carter

Title: AN ACT TO REENACT AND AMEND SECTIONS 49-17-707, 49-17-709, 49-17-711 AND 49-17-713, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THE PROVISIONS OF LAW THAT CREATE THE MISSISSIPPI GULF COAST REGION UTILITY BOARD; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2687

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Doty, Carter To: Energy

SENATE BILL NO. 2687

AN ACT TO REENACT AND AMEND SECTIONS 49-17-707, 49-17-709, 49-17-711 AND 49-17-713, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THE PROVISIONS OF LAW THAT CREATE THE MISSISSIPPI GULF COAST REGION UTILITY BOARD; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 49-17-707, Mississippi Code of 1972, is reenacted and amended as follows:

49-17-707. (1) There is hereby created and established a public body corporate and politic constituting a political subdivision of the State of Mississippi to be known as the "Mississippi Gulf Coast Region Utility Board" to serve the citizens of the Gulf Coast Region. The utility board is created as a forum for the Gulf Coast Region to collaborate and cooperate regarding water, wastewater and storm water issues; to assist in the efficient management of water, wastewater and storm water resources; to develop recommendations pertaining to water, wastewater and storm water systems; and to provide assistance, funding and guidance to the county authorities to assist in the

identification of the best means to meet all present and future water, wastewater and storm water needs in the Gulf Coast Region.

(2) This section shall repeal July 1, * * * 2023.

SECTION 2. Section 49-17-709, Mississippi Code of 1972, is reenacted and amended as follows:

49-17-709. (1) (a) All powers of the Mississippi Gulf Coast Region Utility Board shall be exercised by a board of directors to be composed of the following: (i) the president of each county authority; and (ii) three (3) at-large directors, to be appointed by the Governor, who shall be residents of the Gulf Coast Region.

(b) The initial terms of the at-large directors shall be for two (2), four (4) and six (6) years as designated by the Governor. After the expiration of the initial terms, the subsequent terms shall be for a period of six (6) years. However, there shall be no more than one (1) at-large director appointed from any one (1) county. Each president may appoint a delegate, to represent him at a meeting of the board.

(2) At the initial meeting of the board, the board shall elect a president and a vice president. Thereafter, the board will annually, at the last meeting of the fiscal year, elect a president and a vice president who shall serve in their respective offices for the next fiscal year. The directors shall serve without a salary but are entitled to receive per diem pay as provided for in Section 25-3-69, and for actual and necessary

expenses incurred while in the performance of his duties as a member of the board as provided in Section 25-3-41.

(3) Any utility board member who does not attend three (3) consecutive regular meetings of the authority shall be subject to removal by a majority vote of the board and shall be replaced with an appointment from the Governor or governing body making the initial appointment.

(4) The president shall be the chief executive officer of the utility board and the presiding officer of the board, and shall have the same right to vote as any other director. The vice president shall act in the absence or disability of the president. Each director shall be required to give bond in the sum of not less than Fifty Thousand Dollars ($50,000.00), with sureties qualified to do business in this state, and the premiums on the bond shall be an expense of the utility board. Each bond shall be payable to the State of Mississippi. The condition of each bond shall be that each director will faithfully perform all duties of his office and account for all * * * monies or other assets which shall come into his custody as a director of the utility board.

(5) A quorum for any meeting of the board of directors shall be the majority of the total membership of the board of directors. All business of the utility board shall be transacted by vote of the board of directors.

(6) The utility board shall conduct regular meetings as set forth in its bylaws. The utility board shall establish rules and

regulations regarding its meetings and may amend such bylaws, rules and regulations as may be necessary to conduct the business of the board.

(7) This section shall repeal July 1, * * * 2023.

SECTION 3. Section 49-17-711, Mississippi Code of 1972, is reenacted and amended as follows:

49-17-711. (1) The utility board may hire an executive director and secretary-treasurer having the duties as determined by the utility board. The executive director must have a college degree. If hired, the executive director and secretary-treasurer each shall be required to give bond in a sum not less than Fifty Thousand Dollars ($50,000.00), conditioned on the executive director and secretary-treasurer faithfully performing all duties of his office and account for all * * * monies and other assets which come into his custody as executive director or secretary-treasurer of the utility board.

(2) (a) The utility board shall prepare a budget consistent with its bylaws estimating its expenses and revenue needs for each forthcoming fiscal year at least ninety (90) days prior to the beginning of each fiscal year. The utility board shall submit its budget to each county authority prior to final approval by the utility board.

(b) Any funds, gifts or grants allocated for the administrative costs related to the restoration or construction of water, wastewater and storm water services and projects in the

Gulf Coast Region under this act shall, to the extent allowable, be paid into the Public Trust Tidelands Fund for the repayment of any tideland funds expended for the operational costs of the utility board.

(3) The utility board shall have the authority to receive and spend funds from any source.

(4) This section shall repeal July 1, * * * 2023.

SECTION 4. Section 49-17-713, Mississippi Code of 1972, is reenacted and amended as follows:

49-17-713. (1) The utility board shall have the right and powers necessary to carry out the purposes of this act, including, but not limited to:

(a) Make recommendations to the county authorities pertaining to water, wastewater and storm water issues in the Gulf Coast Region;

(b) Make recommendations necessary to achieve compatibility and uniformity of systems and technology related to water, wastewater and storm water in the Gulf Coast Region;

(c) Help resolve cross-jurisdictional and multicounty disputes pertaining to water, wastewater and storm water issues between county authorities when requested by the county authorities;

(d) Recommend short-term and long-term priorities for water, wastewater and storm water related projects;

(e) Recommend emergency preparedness procedures in the Gulf Coast Region related to water, wastewater and storm water;

(f) Recommend training standards related to operations of water, wastewater and storm water systems;

(g) Sue and be sued in its own name and to enjoy all the protections, immunities and benefits provided by the Mississippi Tort Claims Act, as it may be amended from time to time;

(h) Adopt an official seal and alter the same at pleasure;

(i) Maintain office space at such place or places within the boundaries of the board as it may determine;

(j) Own or lease real or personal property;

(k) Invest money of the utility board, including proceeds from the sale of any bonds subject to any agreements with bond holders on such terms and in such manner as the utility board deems proper;

(l) Apply for, accept and utilize grants, gifts and other funds from any source for any purpose necessary in support of the purpose of this act and to coordinate the distribution of funds to the county authorities;

(m) Employ and terminate staff, including, but not limited to, attorneys, engineers and consultants as may be necessary;

(n) Enter into contracts for all operation and maintenance needs of the utility board;

(o) Enter into contracts to conduct studies of regional issues regarding water, wastewater and storm water services and to provide assistance, funds and guidance in the construction, operation and maintenance of regional water, wastewater and storm water services;

(p) Enter into contracts with any person or any public agency in furtherance of any of the purposes authorized by this act upon such consideration as the board of directors and such person may agree. Any such contract may extend over any period of time, including a term which extends beyond the term of the then majority of the existing board members, notwithstanding any provision or rule of law to the contrary; may be upon such terms and for such consideration, nominal or otherwise, as the parties thereto shall agree; and may provide that it shall continue in effect until bonds specified therein, refunding bonds issued in lieu of such bonds, and all other obligations specified therein are paid or terminated. Any such contract shall be binding upon the parties thereto according to its terms. The utility board may also assume or continue any contractual or other business relationships entered into by the members of the utility board, including the rights to receive and acquire property transferred under option to purchase agreements;

(q) Contract with the authorities under any terms mutually agreed by the parties to carry out any powers, duties or responsibilities granted by this act or any other laws to the authorities;

(r) Acquire insurance for the utility board's systems, facilities, buildings, treatment plants and all property, real or personal, to insure against all risks as any insurance may, from time to time, be available;

(s) Make, enforce, amend and repeal rules and regulations for the management of the utility board's business and affairs;

(t) Enter onto public or private lands, waters or premises for the purposes of making surveys, borings or soundings, or conducting tests, examinations or inspections for the purposes of the utility board, subject to responsibility for any damage done to property entered;

(u) Apply, contract for, accept, receive and administer gifts, grants, appropriations and donations of money, materials, and property of any kind, including loans and grants from the United States, the state, a unit of local government, or any agency, department, district or instrumentality of any of the foregoing, upon any terms and conditions as the United States, the state, a unit of local government, or any agency, department, district or instrumentality shall impose;

(v) Create, maintain and regulate reservoirs and promulgate and enforce rules and regulations for the creation and maintenance of reservoirs; and

(w) Make other recommendations to carry out the purposes of this act.

(2) This section shall repeal July 1, * * * 2023.

SECTION 5. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2697

Description: Real estate appraisers; revise provisions regarding licensure requirements and national registry fee.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Business and Financial Institutions
2	01/30	(S)	Title Suff Do Pass
3	02/12	(S)	Passed {Vote}
4	02/13	(S)	Transmitted To House
5	02/19	(H)	Referred To Banking and Financial Services
6	03/05	(H)	Title Suff Do Pass
7	03/12	(H)	Read the Third Time
8	03/13	(H)	Passed {Vote}
9	03/14	(H)	Returned For Enrolling
10	03/19	(S)	Enrolled Bill Signed
11	03/19	(H)	Enrolled Bill Signed
12	03/22		Approved by Governor

Code Section: A 073-0034-0003, A 073-0034-0005, A 073-0034-0009, A 073-0034-0017, A 073-0034-0021, A 073-0034-0033, A 073-0034-0045

----- Additional Information -----

Senate Committee: Business and Financial Institutions
House Committee: Banking and Financial Services

Principal Author: Parks
Additional Authors: Jackson (11th)

Title: AN ACT TO CODIFY AS NEW SECTION 73-34-16, MISSISSIPPI CODE OF 1972, TO PROVIDE THE QUALIFICATIONS FOR A TRAINEE APPRAISER UNDER THE REAL ESTATE APPRAISER LICENSING AND CERTIFICATION ACT; TO AMEND SECTION 73-34-3, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS REGARDING REAL ESTATE APPRAISERS UNDER

THE REAL ESTATE APPRAISER LICENSING AND CERTIFICATION ACT; TO AMEND SECTION 73-34-5, MISSISSIPPI CODE OF 1972, TO REQUIRE ANY PERSON ENGAGING IN REAL ESTATE APPRAISAL ACTIVITY TO OBTAIN ONE OF THE THREE REAL ESTATE APPRAISER LICENSES; TO AMEND SECTION 73-34-9, MISSISSIPPI CODE OF 1972, TO REVISE THE POWERS AND DUTIES OF THE MISSISSIPPI REAL ESTATE COMMISSION TO INCLUDE THE APPRAISER QUALIFICATIONS BOARD IN THE PROVISIONS REGARDING DEFINING THE TYPE OF EDUCATIONAL AND APPRAISAL EXPERIENCE THAT MEETS THE NECESSARY REQUIREMENTS; TO REQUIRE THAT THE COMMISSION IMPLEMENT CERTAIN REQUIREMENTS OF THE APPRAISER QUALIFICATIONS BOARD; TO AMEND SECTION 73-34-17, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFICATIONS NECESSARY TO BE A LICENSED REAL ESTATE APPRAISER; TO AMEND SECTION 73-34-21, MISSISSIPPI CODE OF 1972, TO REVISE THE PREREQUISITES TO TAKING THE EXAMINATION FOR LICENSING AS A LICENSED CERTIFIED APPRAISER; TO AMEND SECTION 73-34-33, MISSISSIPPI CODE OF 1972, TO REVISE THE PREREQUISITES TO RENEW A REAL ESTATE APPRAISER'S LICENSE TO REQUIRE A TOTAL OF 28 HOURS OF INSTRUCTION AND SEMINAR COURSES; TO AMEND SECTION 73-34-45, MISSISSIPPI CODE OF 1972, TO REQUIRE THE BOARD TO ESTABLISH AND COLLECT A NATIONAL REGISTRY FEE; TO REQUIRE THE BOARD TO COLLECT FROM AN APPRAISAL MANAGEMENT COMPANY CERTAIN INFORMATION AND A FEE TO BE DEPOSITED INTO AN ACCOUNT MAINTAINED FOR THE PURPOSE OF DISBURSING THE NATIONAL REGISTRY FEES; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2697

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Senator(s) Parks, Jackson (11th)

To: Business and Financial Institutions

SENATE BILL NO. 2697

AN ACT TO CODIFY AS NEW SECTION 73-34-16, MISSISSIPPI CODE OF 1972, TO PROVIDE THE QUALIFICATIONS FOR A TRAINEE APPRAISER UNDER THE REAL ESTATE APPRAISER LICENSING AND CERTIFICATION ACT; TO AMEND SECTION 73-34-3, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS REGARDING REAL ESTATE APPRAISERS UNDER THE REAL ESTATE APPRAISER LICENSING AND CERTIFICATION ACT; TO AMEND SECTION 73-34-5, MISSISSIPPI CODE OF 1972, TO REQUIRE ANY PERSON ENGAGING IN REAL ESTATE APPRAISAL ACTIVITY TO OBTAIN ONE OF THE THREE REAL ESTATE APPRAISER LICENSES; TO AMEND SECTION 73-34-9, MISSISSIPPI CODE OF 1972, TO REVISE THE POWERS AND DUTIES OF THE MISSISSIPPI REAL ESTATE COMMISSION TO INCLUDE THE APPRAISER QUALIFICATIONS BOARD IN THE PROVISIONS REGARDING DEFINING THE TYPE OF EDUCATIONAL AND APPRAISAL EXPERIENCE THAT MEETS THE NECESSARY REQUIREMENTS; TO REQUIRE THAT THE COMMISSION IMPLEMENT CERTAIN REQUIREMENTS OF THE APPRAISER QUALIFICATIONS BOARD; TO AMEND SECTION 73-34-17, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFICATIONS NECESSARY TO BE A LICENSED REAL ESTATE APPRAISER; TO AMEND SECTION 73-34-21, MISSISSIPPI CODE OF 1972, TO REVISE THE PREREQUISITES TO TAKING THE EXAMINATION FOR LICENSING AS A LICENSED CERTIFIED APPRAISER; TO AMEND SECTION 73-34-33, MISSISSIPPI CODE OF 1972, TO REVISE THE PREREQUISITES TO RENEW A REAL ESTATE APPRAISER'S LICENSE TO REQUIRE A TOTAL OF 28 HOURS OF INSTRUCTION AND SEMINAR COURSES; TO AMEND SECTION 73-34-45, MISSISSIPPI CODE OF 1972, TO REQUIRE THE BOARD TO ESTABLISH AND COLLECT A NATIONAL REGISTRY FEE; TO REQUIRE THE BOARD TO COLLECT FROM AN APPRAISAL MANAGEMENT COMPANY CERTAIN INFORMATION AND A FEE TO BE DEPOSITED INTO AN ACCOUNT MAINTAINED FOR THE PURPOSE OF DISBURSING THE NATIONAL REGISTRY FEES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 73-34-16, Mississippi Code of 1972:

73-34-16. To qualify as a trainee appraiser, an applicant must have successfully completed the number and type of qualifying education hours and other qualifications that meet or exceed the qualifications required by the Appraiser Qualifications Board.

SECTION 2. Section 73-34-3, Mississippi Code of 1972, is amended as follows:

73-34-3. As used in this chapter, the following terms and phrases shall have the following meanings unless the context clearly indicates otherwise:

(a) "Appraisal" means an analysis, opinion or conclusion prepared by a real estate appraiser relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate or identified real property performed in accordance with the Uniform Standards for Professional Appraisal Practice. An appraisal may be classified by the nature of the assignment into either a valuation assignment or an evaluation assignment. The term "valuation assignment" means an analysis, opinion or conclusion prepared by a real estate appraiser that estimates the value of an identified parcel of real estate or identified real property at a particular point in time. The term "evaluation assignment" means an analysis, opinion or conclusion prepared by a real estate appraiser that relates to the nature, quality or utility of identified real estate or identified real property.

(b) "Appraisal report" means any communication, written or oral, of an appraisal. For the purposes of this chapter, the testimony of an appraiser dealing with the appraiser's analyses, conclusions or opinions concerning identified real property is deemed to be an oral appraisal report.

(c) "Board" means the Mississippi Real Estate Appraiser Licensing and Certification Board that is established under the provisions of this chapter.

(d) "Certified appraisal report" means an appraisal report given or signed and certified as such by a state certified real estate appraiser. When a state certified real estate appraiser identifies an appraisal report as "certified," such state certified real estate appraiser must indicate which type of certification he holds. The certification of an appraisal report by a state certified real estate appraiser represents to the public that it meets the appraisal standards established under this chapter.

(e) "Commission" means the Mississippi Real Estate Commission as established under Section 73-35-5, Mississippi Code of 1972.

(f) "Licensed real estate appraiser" means a person who holds a current, valid appraisal license issued to him under the provisions of this chapter.

(g) "Real estate or real property" means an identified parcel or tract of land, with improvements, and includes

easements, rights-of-way, undivided or future interest, or similar rights in a tract of land, but does not include mineral rights, timber rights, growing crops, water rights, or similar interests severable from the land when the transaction does not involve the associated parcel or tract of land.

(h) "Real estate appraisal activity" means the act or process of making an appraisal of real estate or real property and preparing an appraisal report.

(i) "Real estate appraiser" means a person who engages in real estate appraisal activity for a fee or other valuable consideration.

(j) "Real property" means one or more defined interests, benefits or rights inherent in the ownership of real estate.

(k) "State certified real estate appraiser" means a person who holds a current, valid license as a real estate appraiser issued to him under the provisions of this chapter for certified real estate appraisers.

* * *

(* * *l) "Appraisal management company" or "AMC" means, in connection with valuing properties collateralizing mortgage loans or mortgages incorporated into a securitization, any external third party that oversees a network or panel of more than fifteen (15) certified or licensed appraisers in this state or twenty-five (25) or more nationally within a given year, that

is authorized either by a creditor of a consumer credit transaction secured by a consumer's principal dwelling or by an underwriter of or other principal in the secondary mortgage markets to:

(i) Recruit, select, and retain appraisers;

(ii) Contract with licensed and certified appraisers to perform appraisal assignments;

(iii) Manage the process of having an appraisal performed, including providing administrative duties such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and underwriters, collecting fees from creditors and underwriters for services provided, and reimbursing appraisers for services performed; or

(iv) Review and verify the work of appraisers.

(* * *m) "Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal assignment, except that a quality control examination of an appraisal shall not be an appraisal review.

(* * *n) "Appraiser" means an individual who holds a license or certification as an appraiser and is expected to perform valuation services competently and in a manner that is independent, impartial and objective.

(* * *o) "Appraiser panel" means a * * * network, list or roster of licensed or certified appraisers approved by an AMC to perform appraisals as independent contractors for the AMC.

(* * *p) "Controlling person" means:

(i) An officer or director, or owner of greater than a ten percent (10%) interest, of a corporation, partnership or other business entity, seeking to act as an appraisal management company in this state;

(ii) An individual employed, appointed, or authorized by an appraisal management company that has the authority to enter into a contractual relationship with other persons for the performance of services requiring registration as an appraisal management company and has the authority to enter into agreements with appraisers for the performance of appraisals; or

(iii) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company.

(* * *q) "Federal financial institutions regulatory agencies" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration.

(* * *r) "Federally related transaction" means any real estate-related financial transaction which a federal

financial institutions regulatory agency or the Resolution Trust Corporation engages in, contracts for, or regulates, and which requires the services of an appraiser.

(* * *s) "Person" means an individual, firm, partnership, limited partnership, limited liability company, association, corporation, or other group engaged in joint business activities, however organized.

(* * *t) "Quality control examination" means an examination of an appraisal report for compliance and completeness including grammatical, typographical or other similar errors.

(* * *u) "Real estate-related financial transaction" means any transaction involving:

(i) The sale, lease, purchase, auction, investment in or exchange of real property, including interests in property, or the financing thereof;

(ii) The refinancing of real property or interests in real property; and

(iii) The use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

(* * *v) "Uniform Standards of Professional Appraisal Practice" means the current standards of the appraisal profession, developed for appraisers and users of appraisal services by the Appraisal Standards Board of the Appraisal Foundation.

(* * *w) "USPAP" means the Uniform Standards of Professional Appraisal Practice.

(x) "Appraisal Foundation" means the Appraisal Foundation, as defined by 12 USC Section 3350, or its successor.

(y) "Appraisal Standards Board" means the Appraisal Standards Board of the Appraisal Foundation, or its successor.

(z) "Appraisal Subcommittee" means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, or its successor.

(aa) "Appraiser Qualifications Board" means the Appraiser Qualifications Board of the Appraisal Foundation, or its successor.

(bb) "Supervisory appraiser" means a supervisory appraiser as defined by the Appraiser Qualifications Board.

(cc) "Trainee appraiser" means a trainee appraiser as defined by the Appraiser Qualifications Board.

SECTION 3. Section 73-34-5, Mississippi Code of 1972, is amended as follows:

73-34-5. (1) Except as otherwise provided for in this section, it shall be unlawful for anyone to engage in real estate appraisal activity in this state without first obtaining one (1) of the * * * three (3) real estate appraiser licenses as provided in this chapter.

(a) Any person who is engaged in real estate appraisal activity on July 1, 1990, shall continue through June 30, 1991, to

be subject to the provisions of the Real Estate Brokers License Law of 1954, but, thereafter, all real estate appraisal activity shall be governed by and licensed pursuant to the provisions of this chapter. However, if the United States Congress or the Appraisal Subcommittee of the Federal Financial Institutions Examination Council extends the effective date for the use of certified or licensed appraisers in federally related transactions, then the above date of June 30, 1991, shall be extended to the date immediately preceding such extended effective date. In addition, if such Appraisal Subcommittee waives any requirement relating to certification or licensing of persons to perform appraisals in Mississippi, then such waiver shall also be effective in Mississippi under the Real Estate Appraiser Licensing and Certification Act and such requirement shall be waived by the Real Estate Appraiser Licensing and Certification Board until the waiver is terminated by the Appraisal Subcommittee. The Mississippi Real Estate Appraiser Licensing and Certification Board shall waive or modify statutory minimum requirements for hours of courses of study and provide by regulation for applicants who desire to do so to challenge the examinations, or one or some of them, by taking an examination on such courses without actually taking such courses, if such waivers or modifications are allowed or allowable under law or regulations adopted and promulgated by the United States Congress or the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

(b) The provisions of this chapter shall not apply to any director, officer or salaried employee of commercial banks, savings banks, credit unions, and savings and loan associations, when engaged in appraisal or evaluation activities for and on behalf of such financial institution unless there is a fee charged for the appraisal or evaluation; provided that a federal statute, rule or regulation does not require such appraisal or evaluation activities to be performed by a state licensed appraiser.

(c) This section shall not be construed to apply to individuals who do not render significant professional assistance in arriving at a real estate appraisal analysis, opinion or conclusion. Examples of the type of assistance which are not considered "significant professional assistance" under this section include the following: (i) assistance in obtaining the data upon which the appraisal is based; (ii) assistance in the physical preparation of the appraisal report (such as taking photographs, preparing charts, maps or graphs, or typing or printing the report); and (iii) any other assistance that does not directly involve the exercise of judgment in arriving at the analysis, opinions or conclusions concerning real estate or real property set forth in the appraisal report.

(2) The provisions of this chapter shall not apply to:

(a) Any state, county, or municipal public officers or their salaried employees while performing their duties as such;

(b) The employees of private firms engaged pursuant to Section 27-35-165(2)(a) who perform work under the direction of the county tax assessor; or

(c) Private consultants hired pursuant to Section 27-35-165(2)(b) and all personnel employed or otherwise engaged by private consultants to appraise property who perform work under the direction of the county tax assessor.

(3) No license shall be issued under the provisions of this chapter to a corporation, partnership, firm or group.

(4) The provisions of this chapter shall not apply to individuals performing timber cruises, valuation on timberland real estate appraisals for nonfederally related transactions.

(5) The provisions of this chapter shall not apply to real estate licensees who are on active status and who perform a broker price opinion pursuant to Section 73-35-4.

SECTION 4. Section 73-34-9, Mississippi Code of 1972, is amended as follows:

73-34-9. (1) The commission shall have the following powers and duties:

(a) To receive applications for licensure as a real estate appraiser and applications for registration as an appraisal management company under this chapter; to establish appropriate administrative procedures for the processing of those applications; to issue licenses to qualified applicants under the provisions of this chapter; and to maintain a registry of the

names and addresses of individuals who are currently licensed under this chapter.

(b) To administer licensing examinations in the places and at the times as may be required to carry out its responsibilities under this chapter.

(c) To implement recommendations made to the commission by the Real Estate Appraiser Licensing and Certification Board with respect to upgrading and improving the experience, education and examination requirements that are required for an appraiser license and each classification of licensed state certified real estate appraiser in this state.

(d) To implement recommendations made to the commission by the board with respect to upgrading and improving the continuing education requirements that are required for renewal of a license.

(e) To collect all licensing fees required or permitted by this chapter.

(f) To take appropriate action upon a decision and the related findings of fact made by the board if, after an administrative hearing, the board (i) determines that a licensed appraiser or a licensed state certified real estate appraiser under this chapter has violated the standards of appraisal practice or ethical rules established under Section 73-34-37, or has committed one or more of the acts that are prohibited by Section 73-34-35, and (ii) recommends that the license of the

appraiser be suspended or revoked, that renewal be denied, or that some other disciplinary action be taken.

(g) To solicit bids and enter into contracts with one or more educational testing services or organizations approved by the board for the preparation of a bank of questions and answers for licensure examinations under this chapter.

(h) To promote research and conduct studies relating to the profession of real estate appraising and sponsor real estate appraisal educational activities.

(i) To adopt rules and regulations for the administration of this chapter that are not inconsistent with the provisions of this chapter or the Constitution and laws of Mississippi or of the United States.

(j) To employ an assistant to the Mississippi Real Estate Commission Administrator who shall keep a record of all proceedings, transactions, communications and official acts of the commission and board and perform any other duties as the commission and board may require.

(k) To employ an appropriate staff to investigate allegations that licensed appraisers or licensed state certified real estate appraisers under this chapter failed to comply with the terms or provisions of this chapter.

(l) To employ any other professional, clerical and technical assistance as may be necessary to properly administer the work of this chapter.

(2) The board shall have the following powers and duties:

(a) To be responsible for matters relating to real estate appraisal standards, real estate appraiser qualifications, testing standards, appraisal management companies and disciplinary functions.

(b) To hold meetings; to hold public hearings and administrative hearings; and to prepare examination specifications for licensed appraisers and licensed state certified appraisers.

(c) To enable the board to carry out its responsibilities under this chapter with respect to licensing and registering, the board shall have:

(i) The power to compel the attendance of witnesses;

(ii) The power to require a licensed appraiser or an applicant for licensure to produce books, appraisal documents, records and other papers;

(iii) The power to administer oaths; and

(iv) The power to take testimony and receive evidence concerning all matters within its jurisdiction.

These powers may be exercised directly by the board in such manner as the board shall determine.

(d) To establish appropriate administrative procedures for disciplinary proceedings conducted under the provisions of this chapter.

(e) To keep a record of its proceedings and issue an annual report of its activities.

(f) To further define by regulation, and with respect to each of the categories of licensed appraiser, the type of educational experience, appraisal experience and equivalent experience that will meet the statutory requirements of this chapter and of the Appraiser Qualifications Board.

(g) To approve or disapprove applications for licensing or registration under this chapter.

(h) To suspend or revoke licenses or registrations under the disciplinary proceedings provided for in this chapter.

(i) To present an annual budget to the Mississippi Legislature for approval. A copy of the budget shall be given to the commission.

(j) To implement all requirements directed by the Appraiser Qualifications Board, Appraisal Subcommittee of the Federal Financial Institutions Examination Council or their designated agent.

(k) To make rules and regulations providing for an inactive license or registration status and for the reactivation thereof.

(l) To make rules and regulations necessary to implement its powers and duties under this chapter.

(m) To do all other things necessary to carry out the provisions of this chapter.

(n) To adopt rules consistent with the provisions of this chapter which may be reasonably necessary to implement, administer, and enforce the provisions of this chapter.

(o) To provide for at least one (1) member of the board to represent the appraisal management company industry.

(p) To establish the standard for measuring residential properties up to four (4) family buildings as promulgated by the American National Standards Institute or as provided in the American Measurement Standard Manual. The board shall require appraisals required to use those standards to indicate on the appraisal or separately appended document which standard was used.

(q) To conduct surveys as necessary.

(3) The members of the commission and board shall be immune from any civil action or criminal prosecution for initiating or assisting in any lawful investigation of the actions of, or participating in any disciplinary proceeding concerning, an appraiser licensed under this chapter, provided that the action is taken without malicious intent and in the reasonable belief that the action was taken in accordance with the powers and duties vested in the members of the commission and board under this chapter.

SECTION 5. Section 73-34-17, Mississippi Code of 1972, is amended as follows:

73-34-17. To qualify to be a licensed real estate appraiser, an applicant must:

(a) Successfully complete * * * the number and type of classroom hours or other educational qualifications that meet or exceed the qualifications required by the Appraiser Qualifications Board.

(b) Provide evidence satisfactory to the board that the applicant has completed the number of hours of experience in performing appraisals over the specified number of calendar years that meet or exceed the number of hours of experience over the specified number of calendar years as required by the Appraiser Qualifications Board.

(* * *c) Pass * * * any examination administered by the commission or its designated agent that is * * * consistent with other requirements of this chapter and approved by the Appraiser Qualifications Board when such approval is required.

(* * *d) Be trustworthy and competent to transact the business of real estate appraising.

(* * *e) Comply with such other requirements as may be prescribed by the board.

The courses of study referred to in paragraph (a) above must (i) be conducted by an accredited university, college or junior college; (ii) be conducted by an approved appraisal society, institute or association; or (iii) be conducted by such other school as may be approved by the board; or (iv) consist of courses relating to appraisal education that were approved by the Mississippi Real Estate Commission prior to July 1, 1990.

SECTION 6. Section 73-34-21, Mississippi Code of 1972, is amended as follows:

73-34-21. * * * As a prerequisite to taking the examination for licensing as a licensed certified residential real estate appraiser or licensed certified general real estate appraiser, an applicant shall present acceptable evidence that such applicant has successfully completed * * *:

(* * *a) * * * The number and type of classroom hours or other educational qualifications that meet or exceed the qualifications required by the Appraiser Qualifications Board; and

(* * *b) * * * The number of hours of experience in performing appraisals over the specified number of calendar years that meet or exceed the number of hours of experience over the specified number of calendar years as required by the Appraiser Qualifications Board.

The board may adopt rules and regulations as may be necessary to implement the requirements established by the Appraiser Qualifications Board.

* * *

SECTION 7. Section 73-34-33, Mississippi Code of 1972, is amended as follows:

73-34-33. (1) As a prerequisite to renewal of license, an active status licensed appraiser shall present evidence satisfactory to the board that such appraiser has met the continuing education requirements of this section. The basic

continuing education requirement for renewal of a license shall be completed by the applicant, during the immediately preceding term of licensure, of not less than * * * twenty-one (21) class hours of instruction in courses or seminars which have received the approval of the board in addition to a seven (7) hour USPAP update course, for a total of twenty-eight (28) hours. Inactive status licensees are not required to meet the continuing education requirements specified in this section; however, such inactive licensees, before activating their license to active status, shall cumulatively meet the requirements missed during the period their license was inactive.

(2) In lieu of meeting the requirements set forth above, an applicant for renewal may satisfy all or part of the requirements by presenting evidence of the following:

(a) Completion of an educational program of study determined by the board to be equivalent, for continuing education purposes, to courses or seminars approved by the board; or

(b) Participation, other than as a student, in educational processes and programs approved by the board which relate to real property appraisal theory, practices or techniques, including, but not necessarily limited to, teaching, program development and preparation of textbooks, monographs, articles and other instructional materials.

(3) The board shall develop regulations for the implementation of the provisions of this section to ensure that an

individual who renews his or her license as a licensed appraiser or as a licensed certified real estate appraiser under this chapter has a working knowledge of current real estate appraisal theories, practices and techniques that will enable him or her to provide competent real estate appraisal services to the members of the public with whom he or she deals in a professional relationship under the authority of his or her licensure. The regulations developed by the board shall prescribe the following:

(a) Policies and procedures to be followed in obtaining board approval of courses of instruction and seminars;

(b) Standards, policies and procedures to be used by the board in evaluating an applicant's claims of equivalency; and

(c) Standards, monitoring methods, and systems for recording attendance to be employed by course and seminar sponsors as a prerequisite to board approval of courses and seminars for credit.

In developing and proposing regulations under this section, the board shall give consideration to courses of instruction, seminars and other appraisal education programs developed by or under the authority of organizations or associations of professional real estate appraisers which are utilized by such organizations or associations for the purpose of awarding real estate appraisal designations or indicating compliance with the continuing education requirements of such organizations or associations.

(4) No amendment or repeal of a regulation adopted by the board pursuant to this section shall operate to deprive a licensed appraiser or licensed certified real estate appraiser of credit toward renewal of such appraiser's license for any course of instruction or seminar that had been completed by such individual prior to the amendment or repeal of the regulation.

SECTION 8. Section 73-34-45, Mississippi Code of 1972, is amended as follows:

73-34-45. (1) The commission shall charge and collect appropriate fees for its services under this chapter. The fees charged shall not exceed the amounts indicated below and shall be set by the board.

Application and examination.....$225.00

Application only.....$175.00

Initial and renewal license.....$325.00

Delinquent renewal penalty.....100% of renewal fee

For each change of address.....$ 25.00

For each duplicate license.....$ 25.00

To change status as a licensee * * * between active * * */inactive.....$ 25.00

For each bad check received by the commission.....$ 25.00

(2) (a) The board shall establish the fee to be paid by each appraisal management company making application for registration under this chapter that is sufficient for the administration regulation and enforcement of the provisions of the

Mississippi Appraisal Management Company Registration Act (Section 73-34-101 et seq.), but in no case shall the fee for initial registration be more than One Thousand Dollars ($1,000.00). However, beginning July 1, 2015, the board may increase the registration fee to an amount not to exceed One Thousand Five Hundred Dollars ($1,500.00) if the board finds the increase necessary for the regulation and enforcement of this chapter.

(b) The board may establish a similar fee, not to exceed One Thousand Dollars ($1,000.00), for the renewal of any registration, and a delinquent renewal penalty not to exceed one hundred percent (100%) of the renewal fee. However, beginning July 1, 2015, the board may increase the renewal fee to an amount not to exceed One Thousand Five Hundred Dollars ($1,500.00) if the board finds the increase necessary for the regulation and enforcement of this chapter, and a delinquent renewal penalty not to exceed one hundred percent (100%) of the renewal fee.

(3) The board by rule shall establish and collect from each appraisal management company (AMC) registered under this chapter the national registry fee required by the Appraisal Subcommittee for each person who is on the appraisal panel of the company and licensed or certified as an appraiser in this state.

(a) Unless exempted under provisions of this chapter or federal law/regulation, the board shall collect from each appraisal management company operating in this state:

(i) The national registry fee required by the Appraisal Subcommittee;

(ii) Information necessary for the board to determine the national registry fee as required by the Appraisal Subcommittee;

(iii) A fee in an amount that is sufficient for the administration of this subsection as established by board rule; and

(iv) Any other information required by state or federal law.

(b) The board shall deposit the national registry fees collected under this section into an account maintained only for purposes of collecting and disbursing the national registry fees collected pursuant to this subsection.

(c) The national registry fees collected under this section shall be transmitted to the Appraisal Subcommittee regularly as required by the Appraisal Subcommittee and federal law.

(d) The board may adopt such rules and regulations necessary to implement the requirements of this subsection.

(* * *4) The board may charge additional fees for its services which the board deems appropriate to carry out its intent and purpose. These additional fees shall not exceed the cost of rendering the service.

(* * *5) Except for those fees collected by the board as required for disbursement to national registries, all fees charged and collected under this chapter shall be paid by the commission at least once a week, accompanied by a detailed statement thereof, to the credit of the fund known as the "Real Estate Appraisal License Fund," hereby created in the State Treasury. All monies which are collected under this chapter shall be paid into and credited to the fund for the use of the board in carrying out the provisions of this chapter including the payment of salaries and expenses, printing an annual directory of licensees, and for educational purposes. The commission shall submit a monthly statement to the board detailing any expenses which it bears as a share in the expense of administering this chapter, for which expenses it shall be reimbursed in the amount approved by the board. The commission shall prepare an annual statement of income and expenses related to its appraisal-related administrative function.

SECTION 9. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2704

Description: Contraband cell phones; authorize circuit court to issue order to disable service from carrier.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/21	(S) Referred To Corrections
2	02/05	(S) Title Suff Do Pass Comm Sub
3	02/14	(S) Committee Substitute Adopted
4	02/14	(S) Passed {Vote}
5	02/18	(S) Transmitted To House
6	02/19	(H) Referred To Corrections
7	02/27	(H) Title Suff Do Pass As Amended
8	03/12	(H) Amended
9	03/12	(H) Passed As Amended {Vote}
10	03/13	(H) Returned For Concurrence
11	03/20	(S) Concurred in Amend From House {Vote}
12	03/28	(S) Enrolled Bill Signed
13	03/28	(H) Enrolled Bill Signed
14	04/03	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2704

Code Section: A 047-0005-0193

----- Additional Information -----

Senate Committee: Corrections
House Committee: Corrections

Principal Author: Jackson (32nd)
Additional Authors: Moran

Title: AN ACT TO AMEND SECTION 47-5-193, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CIRCUIT COURTS TO ISSUE AN ORDER TO DISABLE THE

CONTRABAND CELL PHONE SERVICE FROM CARRIERS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Jackson (32nd), Moran To: Corrections

SENATE BILL NO. 2704
(As Sent to Governor)

AN ACT TO AMEND SECTION 47-5-193, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CIRCUIT COURTS TO ISSUE AN ORDER TO DISABLE THE CONTRABAND CELL PHONE SERVICE FROM CARRIERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 47-5-193, Mississippi Code of 1972, is amended as follows:

47-5-193. (1) It is unlawful for any officer or employee of the department, of any county sheriff's department, of any private correctional facility in this state in which offenders are confined, of any municipal or other correctional facility in this state, or for any other person or offender to possess, furnish, attempt to furnish, or assist in furnishing to any offender confined in this state any weapon, deadly weapon, unauthorized electronic device, contraband item, or cell phone or any of its components or accessories to include, but not limited to, Subscriber Information Module (SIM) cards or chargers. It is unlawful for any person or offender to take, attempt to take, or assist in taking any weapon, deadly weapon, unauthorized

electronic device, contraband item, cell phone or any of its components or accessories to include, but not limited to, Subscriber Information Module (SIM) cards or chargers on property within the state belonging to the department, a county, a municipality, or other entity that is occupied or used by offenders, except as authorized by law.

(2) The circuit court is authorized to issue an order to disable the contraband cell phone service from the carrier.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

Senate Bill 2716

Description: Landlord/tenant act; clarify eviction and stay of proceedings.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/21	(S) Referred To Judiciary, Division A
2	01/31	(S) Title Suff Do Pass Comm Sub
3	02/08	(S) Committee Substitute Adopted
4	02/08	(S) Passed {Vote}
5	02/11	(S) Transmitted To House
6	02/19	(H) Referred To Judiciary A
7	02/26	(H) Title Suff Do Pass
8	03/12	(H) Passed {Vote}
9	03/13	(H) Returned For Enrolling
10	03/19	(S) Enrolled Bill Signed
11	03/19	(H) Enrolled Bill Signed
12	03/22	Approved by Governor

Amendments:

[H] Amendment No 1Lost{Vote}

Code Section: A 089-0007-0031, A 089-0007-0035, A 089-0007-0041, A 089-0007-0045

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Judiciary A

Principal Author: Hill
Additional Authors: Parker

Title: AN ACT TO AMEND SECTION 89-7-31, MISSISSIPPI CODE OF 1972, TO CLARIFY WHEN A COMPLAINT FOR EVICTION IS TRIABLE; TO AMEND SECTIONS 89-7-35, 89-7-41 AND 89-7-45, MISSISSIPPI CODE OF 1972, TO CLARIFY WHEN A WARRANT FOR EVICTION IS TO BE ISSUED AND WHEN A STAY OF EXECUTION IS OR IS NOT APPROPRIATE; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2716

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Hill, Parker To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2716

AN ACT TO AMEND SECTION 89-7-31, MISSISSIPPI CODE OF 1972, TO CLARIFY WHEN A COMPLAINT FOR EVICTION IS TRIABLE; TO AMEND SECTIONS 89-7-35, 89-7-41 AND 89-7-45, MISSISSIPPI CODE OF 1972, TO CLARIFY WHEN A WARRANT FOR EVICTION IS TO BE ISSUED AND WHEN A STAY OF EXECUTION IS OR IS NOT APPROPRIATE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 89-7-31, Mississippi Code of 1972, is amended as follows:

89-7-31. (1) On receiving the affidavit, the county judge, justice court judge, municipal judge, or other officer shall issue a summons, directed to the sheriff or any constable of the county, or the marshal of the municipality in which the premises, or some part thereof, are situated, describing the premises, and commanding him to require the person in possession of the same or claiming the possession thereof, immediately to remove from the premises, or to show cause before the justice court judge or other officer, on a day to be named * * * in the summons, why possession of the premises should not be delivered to the applicant.

(2) In addition to other information required for the summons, the summons shall state: "At the hearing, a judge will determine if the landlord is granted exclusive possession of the premises. If the judge grants possession of the premises to the landlord and you do not remove your personal property, including any manufactured home, from the premises before the date and time ordered by the judge, then the landlord may dispose of your personal property without any further legal action."

SECTION 2. Section 89-7-35, Mississippi Code of 1972, is amended as follows:

89-7-35. **Issuance of warrant for removal.** (1) If, at the time appointed, it appears that the summons has been duly served, and if * * * a judgment of eviction is granted, the magistrate shall issue * * * a warrant to the sheriff or any constable of the county, or to a marshal of the municipality in which the premises, or some part thereof, are situated, immediately upon request, except when prohibited or otherwise provided under Section 89-7-45, commanding him to remove all persons from the premises, and to put the applicant into full possession thereof.

(2) If the summons complied with the requirements of Section 89-7-31(2) and if the tenant has failed to remove any of tenant's personal property, including any manufactured home, from the premises, then, if the judge has not made some other finding regarding the disposition of any personal property in the vacated premises, the personal property shall be deemed abandoned and may

be disposed of by the landlord without further notice or obligation to the tenant.

SECTION 3. Section 89-7-41, Mississippi Code of 1972, is amended as follows:

89-7-41. (1) If the decision is in favor of the landlord or other person claiming the possession of the premises, the magistrate shall issue * * * a warrant to the sheriff, constable, or other officer immediately upon request, except when prohibited or otherwise provided under Section 89-7-45, commanding him immediately to put the landlord or other person into possession of the premises, and to levy the costs of the proceedings of the goods and chattels, lands and tenements, of the tenant or person in possession of the premises who shall have controverted the right of the landlord or other person.

(2) If the summons complied with the requirements of Section 89-7-31(2) and if the tenant has failed to remove any of tenant's personal property, including any manufactured home, from the premises, then, if the judge has not made some other finding regarding the disposition of any personal property in the vacated premises, the personal property shall be deemed abandoned and may be disposed of by the landlord without further notice or obligation to the tenant.

SECTION 4. Section 89-7-45, Mississippi Code of 1972, is amended as follows:

89-7-45. **When warrant for removal may issue in cases of nonpayment of rent.** If * * * a judgment of eviction is founded solely upon the nonpayment of rent * * * and, at the time of the request for the warrant for removal the full and complete amount of rent due, including any late fees as provided in the rental agreement that have accrued * * * as of the date of judgment, and the costs of the proceedings, have been paid to the person entitled to the rent, * * * the magistrate shall not issue a warrant for removal. If the rent, late fees and costs * * * have not been paid * * * in full at the time of the request for the warrant for removal, the magistrate must immediately issue the warrant * * * for removal unless the judge determines that, for good cause shown, a stay not to exceed three (3) days would best serve the interests of justice and equity. If it is shown that a stay is likely to result in material injury to the property of the person entitled to the rent, no stay shall be granted.

SECTION 5. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

Senate Bill 2723

Description: State Veterans Affairs Board; authorize to provide service to state veterans homes.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Veterans and Military Affairs
2	01/30	(S) Title Suff Do Pass
3	02/06	(S) Passed {Vote}
4	02/07	(S) Transmitted To House
5	02/19	(H) Referred To Military Affairs
6	02/26	(H) Title Suff Do Pass
7	03/12	(H) Read the Third Time
8	03/13	(H) Passed {Vote}
9	03/14	(H) Returned For Enrolling
10	03/19	(S) Enrolled Bill Signed
11	03/19	(H) Enrolled Bill Signed
12	03/22	Approved by Governor

Code Section: A 035-0001-0021

----- Additional Information -----

Senate Committee: Veterans and Military Affairs
House Committee: Military Affairs

Principal Author: Parker
Additional Authors: Moran, Hill

Title: AN ACT TO AMEND SECTION 35-1-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE VETERANS AFFAIRS BOARD TO PROVIDE SERVICES TO STATE VETERANS HOMES, AND TO PROVIDE THAT CERTAIN PROVISIONS SHALL SUPERSEDE ANY RULE OR REGULATION OF THE PUBLIC PROCUREMENT REVIEW BOARD; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2723

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Senator(s) Parker, Moran, Hill — To: Veterans and Military Affairs

SENATE BILL NO. 2723

AN ACT TO AMEND SECTION 35-1-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE VETERANS AFFAIRS BOARD TO PROVIDE SERVICES TO STATE VETERANS HOMES, AND TO PROVIDE THAT CERTAIN PROVISIONS SHALL SUPERSEDE ANY RULE OR REGULATION OF THE PUBLIC PROCUREMENT REVIEW BOARD; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 35-1-21, Mississippi Code of 1972, is amended as follows:

35-1-21. (1) Upon the establishment of the Mississippi State Veterans Home, and any additional homes as may be established, the Mississippi State Veterans Affairs Board is hereby designated as the governing authority of any such facilities. The operation and maintenance of all veterans homes shall meet the standards of the United States Department of Veterans Affairs with regard to the operation of state veterans homes.

(2) The State Veterans Affairs Board may contract with nongovernmental entities or the United States Department of Veterans Affairs to operate and provide services to state veterans

homes. The board may contract with the vendor whose proposal is most advantageous to the state and veterans, taking into consideration cost factors, program suitability factors, management plan, delivery of care and service to residents, excellence of program design, key personnel, corporate or company resources, financial condition of the vendor, corporate experience and past performance, and any other requirements deemed necessary by the board and expressed in its solicitation for proposals. Contract(s) awarded under this section may be for periods exceeding one (1) year. The board is not required to select the vendor offering the lowest cost proposal, but shall select the vendor who, in the board's discretion, offers the proposal most advantageous to the State of Mississippi and veterans. When any contract is awarded, the reason(s) for the awarding of the contract shall be entered on the minutes of the board. The provisions of this paragraph shall supersede any rule or regulation of the * * * Public Procurement Review Board to the contrary.

(3) The State Veterans Affairs Board may, as permitted by federal laws or regulations, purchase from the United States Department of Veterans Affairs, from contracts established by the United States Department of Veterans Affairs, or through other sharing agreements between the board and the United States Department of Veterans Affairs, services, commodities, supplies and equipment for use in operation of, and provision of care to

residents of, the state veterans homes when such purchases or agreements are advantageous to the veterans and the state.

(4) The State Veterans Affairs Board may operate and maintain the state veterans homes without entering into any contract for management purposes with any nongovernmental entity or the United States Department of Veterans Affairs to operate the homes. In such instances, the State Veterans Affairs Board shall be solely responsible for the operation and maintenance of the state veterans homes and shall hire the administrators and all other personnel for the veterans homes. The mission of the State Veterans Affairs Board in managing the state veterans homes shall be to provide domiciliary care and other related services for eligible veterans in the most cost efficient manner.

(5) The State Department of Health shall perform an initial certification survey of the State Veterans Home in Collins, Mississippi, on or about July 1, 2000. The purpose of this initial survey is to provide a baseline for measuring the quality of care during the period for which this section applies. In addition to the initial certification survey, the State Department of Health shall, as appropriate and in its discretion, conduct periodic follow-up certification surveys, during the period for which this section applies, of the State Veterans Home in Collins, Mississippi.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2737

Description: Proprietary schools; revise provisions related to surety bonds and permits.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Universities and Colleges
2	02/04	(S) Title Suff Do Pass
3	02/12	(S) Passed {Vote}
4	02/13	(S) Transmitted To House
5	02/19	(H) Referred To Universities and Colleges
6	02/27	(H) Title Suff Do Pass
7	03/12	(H) Passed {Vote}
8	03/13	(H) Returned For Enrolling
9	03/19	(S) Enrolled Bill Signed
10	03/19	(H) Enrolled Bill Signed
11	03/22	Approved by Governor

Code Section: A 075-0060-0003, A 075-0060-0017, A 075-0060-0023, A 075-0060-0025

----- Additional Information -----

Senate Committee: Universities and Colleges
House Committee: Universities and Colleges

Principal Author: Harkins

Title: AN ACT TO AMEND SECTION 75-60-3, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITIONS FOR THE TERMS "CORRESPONDENCE EDUCATION," "DISTANCE EDUCATION" AND "OCCUPATIONAL DEGREE" FOR PURPOSES OF THE MISSISSIPPI PROPRIETARY SCHOOL AND COLLEGE REGISTRATION LAW; TO AMEND SECTION 75-60-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SURETY BOND OBTAINED BY A PROPRIETARY SCHOOL MUST INDEMNIFY THE COMMISSION ON PROPRIETARY SCHOOL AND COLLEGE REGISTRATION FOR ADMINISTRATIVE COSTS INCURRED BY THE COMMISSION WHEN AN INSTITUTION CLOSES; TO AMEND SECTION 75-60-23, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT AN AGENT MUST OBTAIN A PERMIT FOR EACH INSTITUTION OR CAMPUS REPRESENTED;

TO AMEND SECTION 75-60-25, MISSISSIPPI CODE OF 1972, TO REMOVE PROVISIONS WHICH REFER TO AN AGENT PERMIT AS A "POCKET CARD"; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2737

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Harkins To: Universities and Colleges

SENATE BILL NO. 2737

AN ACT TO AMEND SECTION 75-60-3, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITIONS FOR THE TERMS "CORRESPONDENCE EDUCATION," "DISTANCE EDUCATION" AND "OCCUPATIONAL DEGREE" FOR PURPOSES OF THE MISSISSIPPI PROPRIETARY SCHOOL AND COLLEGE REGISTRATION LAW; TO AMEND SECTION 75-60-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SURETY BOND OBTAINED BY A PROPRIETARY SCHOOL MUST INDEMNIFY THE COMMISSION ON PROPRIETARY SCHOOL AND COLLEGE REGISTRATION FOR ADMINISTRATIVE COSTS INCURRED BY THE COMMISSION WHEN AN INSTITUTION CLOSES; TO AMEND SECTION 75-60-23, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT AN AGENT MUST OBTAIN A PERMIT FOR EACH INSTITUTION OR CAMPUS REPRESENTED; TO AMEND SECTION 75-60-25, MISSISSIPPI CODE OF 1972, TO REMOVE PROVISIONS WHICH REFER TO AN AGENT PERMIT AS A "POCKET CARD"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 75-60-3, Mississippi Code of 1972, is amended as follows:

75-60-3. As used in this chapter:

(a) "Course of instruction" means the offering of instruction to individuals for a charge, fee or contribution of any kind, to a person or persons for the purpose of training or preparing such person(s) for a field of endeavor in a business, trade, technical or industrial occupation.

(b) "Program of study" means a series of individual courses in an area of specialization for which a diploma, degree, certificate or other written evidence of proficiency or achievement is offered.

(c) "Agent" means any person employed by an institution licensed by the commission, regardless of job title, job description, full-time or part-time employment status, who either directly or indirectly influences the decision of any prospective student to enroll for a fee in a course of instruction.

(d) "Person" means an individual, corporation, partnership, association or any other type of organization.

(e) "Board" means the Mississippi Community College Board established in Section 37-4-3 et seq., Mississippi Code of 1972.

(f) "Commission" means the Commission on Proprietary School and College Registration established under this chapter.

(g) "Correspondence education" means a formal educational process under which the institution provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructor. Interaction between the instructor and the student is limited, is not regular and substantive, and is primarily initiated by the student * * *. Correspondence courses are typically self-paced. Correspondence education shall not be

construed to mean or refer to "distance education" as defined in paragraph (h) of this section.

(h) "Distance education" means a formal educational process in which the majority of the instruction * * * in a course occurs when students and instructors are not in the same place. Instruction may be synchronous or asynchronous. Distance education uses the technologies set forth in this paragraph to deliver instructions to students and to support regular, substantive interaction between students and instructors. A distance education course instructor may use any of the following technologies: the Internet; one-way and two-way transmissions through open broadcast, closed-circuit, cable, microwave, broadband lines, fiber optics, satellite or wireless communications devices; audio conferencing; or video cassettes, DVDs and CD-ROMs if used as part of the distance learning course or program.

(i) "General education course" means a unit of learning that is nontechnical in nature and is a fundamental part of a program. The content is drawn from oral and written communications, social studies, mathematics, natural sciences and the humanities.

(j) "Nontechnical course" means a unit of learning that is nontechnical in nature and includes general education courses, basic/college life skills and other related courses.

(k) "Occupational degree" means a credential awarded by a school upon successful completion of an associate degree program and designated as "applied" or "occupational" in the credential title. This program shall contain a minimum of sixty percent (60%) technical course credits/clock hours.

(l) "Institution" means a proprietary school, career college, school person or other organization that offers programs that require registration in accordance with Section 75-60-5.

(m) "Technical course" means a unit of learning that yields skills, knowledge and understanding essential to the specific occupation for which the program is designed.

SECTION 2. Section 75-60-17, Mississippi Code of 1972, is amended as follows:

75-60-17. The application for a certificate of registration shall be accompanied by a surety bond with conditions and in a form prescribed by the Commission on Proprietary School and College Registration with at least one (1) corporate bonding company approved by the Department of Insurance as surety thereon. The bond shall provide for the indemnification of any person suffering loss as the result of any false certification, school closure, any fraud or misrepresentation used in behalf of the principal in procuring such person's enrollment in a course of instruction, including repayment of tuition paid in advance by any student. The bond shall provide for the reimbursement of the commission of any actual administrative costs associated with an

institution ceasing operations. The term of the bond shall be continuous, but it shall be subject to cancellation by the surety in the manner described in this section. The bond shall provide blanket coverage for the acts of all persons engaged as agents of the school without naming them and without regard to the time they are engaged during the term of the bond.

First priority for the use of surety bonds shall be given to students impacted by the closing of the proprietary school.

The surety may terminate the bond upon giving a sixty-day written notice to the principal and to the Commission on Proprietary School and College Registration, but the liability of the surety for acts of the principal and its agents shall continue during the sixty (60) days of cancellation notice. The notice does not absolve the surety from liability which accrues before the cancellation becomes final but which is discovered after that date and which may have arisen at any time during the term of the bond. Unless the bond is replaced by that of another surety before the expiration of the sixty (60) days' notice of cancellation, the certificate of registration shall be suspended. Any person subject to this chapter required to file a bond with an application for a certificate of registration may file, in lieu thereof, cash, a certificate of deposit, or government bonds of the same dollar value as the prescribed bond. Said deposit is subject to the same terms and conditions as are provided for in

the surety bond required herein. Any interest or earnings on such deposits are payable to the depositor.

SECTION 3. Section 75-60-23, Mississippi Code of 1972, is amended as follows:

75-60-23. No person employed by an institution licensed by the commission, regardless of job title, job description, full-time or part-time employment status, shall directly or indirectly influence the decision of any prospective student to enroll for a fee in a course of instruction without first securing a permit as an agent from the Commission on Proprietary School and College Registration. If the person represents more than one (1) institution or campus, a separate permit shall be obtained for each institution or campus represented. Agent permits shall only be issued to agents of institutions that hold a certificate of registration issued by the commission.

SECTION 4. Section 75-60-25, Mississippi Code of 1972, is amended as follows:

75-60-25. The application for an agent permit shall be made on forms to be furnished by the Commission on Proprietary School and College Registration. Any agent permit applied for shall be granted or denied within sixty (60) days of the receipt of the application therefor by the commission. If the commission has not completed its determination with respect to the issuance of an agent permit within such sixty-day period, it shall issue a temporary agent permit to the applicant, which permit is

sufficient to meet the requirements of Section 75-60-23 until such time as such determination is made. Upon approval for an agent permit, the commission shall issue a * * * permit to the person, giving his or her name, agent permit number and the name and campus location of his or her employing school, and certifying that the person whose name appears on the * * * permit is an authorized agent of the school. An agent permit is valid for one (1) year from the date on which it was issued.

SECTION 5. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2749

Description: State Board for Community and Junior Colleges; revise the qualifications for board members.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/21	(S)	Referred To Universities and Colleges
2	01/30	(S)	Title Suff Do Pass
3	02/11	(S)	Passed {Vote}
4	02/12	(S)	Transmitted To House
5	02/19	(H)	Referred To Universities and Colleges
6	02/27	(H)	Title Suff Do Pass
7	03/12	(H)	Amended
8	03/12	(H)	Passed As Amended {Vote}
9	03/13	(H)	Returned For Concurrence
10	03/20	(S)	Concurred in Amend From House {Vote}
11	03/26	(S)	Enrolled Bill Signed
12	03/26	(H)	Enrolled Bill Signed
13	03/29		Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2749

Code Section: A 037-0004-0003

----- Additional Information -----

Senate Committee: Universities and Colleges
House Committee: Universities and Colleges

Principal Author: Harkins

Title: AN ACT TO AMEND SECTION 37-4-3, MISSISSIPPI CODE OF 1972, TO REMOVE THE PROHIBITION THAT NO MEMBER OF THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES SHALL BE ENGAGED IN THE EDUCATIONAL PROFESSION; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2749

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Senator(s) Harkins — To: Universities and Colleges

SENATE BILL NO. 2749
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-4-3, MISSISSIPPI CODE OF 1972, TO REMOVE THE PROHIBITION THAT NO MEMBER OF THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES SHALL BE ENGAGED IN THE EDUCATIONAL PROFESSION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-4-3, Mississippi Code of 1972, is amended as follows:

37-4-3. (1) From and after July 1, 1986, there shall be a Mississippi Community College Board which shall receive and distribute funds appropriated by the Legislature for the use of the public community and junior colleges and funds from federal and other sources that are transmitted through the state governmental organization for use by said colleges. This board shall provide general coordination of the public community and junior colleges, assemble reports and such other duties as may be prescribed by law.

(2) The board shall consist of ten (10) members of which none shall be an elected official * * *. The Governor shall appoint two (2) members from the First Mississippi Congressional

District, one (1) who shall serve an initial term of two (2) years and one (1) who shall serve an initial term of five (5) years; two (2) members from the Second Mississippi Congressional District, one (1) who shall serve an initial term of five (5) years and one (1) who shall serve an initial term of three (3) years; and two (2) members from the Third Mississippi Congressional District, one (1) who shall serve an initial term of four (4) years and one (1) who shall serve an initial term of two (2) years; two (2) members from the Fourth Mississippi Congressional District, one (1) who shall serve an initial term of three (3) years and one (1) who shall serve an initial term of four (4) years; and two (2) members from the Fifth Mississippi Congressional District, one (1) who shall serve an initial term of five (5) years and one (1) who shall serve an initial term of two (2) years. All subsequent appointments shall be for a term of six (6) years and continue until their successors are appointed and qualify. An appointment to fill a vacancy which arises for reasons other than by expiration of a term of office shall be for the unexpired term only. * * * All members shall be appointed with the advice and consent of the Senate.

(3) There shall be a chairman and vice chairman of the board, elected by and from the membership of the board; and the chairman shall be the presiding officer of the board. The board shall adopt rules and regulations governing times and places for meetings and governing the manner of conducting its business.

(4) The members of the board shall receive no annual salary, but shall receive per diem compensation as authorized by Section 25-3-69, Mississippi Code of 1972, for each day devoted to the discharge of official board duties and shall be entitled to reimbursement for all actual and necessary expenses incurred in the discharge of their duties, including mileage as authorized by Section 25-3-41, Mississippi Code of 1972.

(5) The board shall name a director for the state system of public junior and community colleges, who shall serve at the pleasure of the board. Such director shall be the chief executive officer of the board, give direction to the board staff, carry out the policies set forth by the board, and work with the presidents of the several community and junior colleges to assist them in carrying out the mandates of the several boards of trustees and in functioning within the state system and policies established by the Mississippi Community College Board. The Mississippi Community College Board shall set the salary of the director of the board. The Legislature shall provide adequate funds for the Mississippi Community College Board, its activities and its staff.

(6) The powers and duties of the Mississippi Community College Board shall be:

(a) To authorize disbursements of state-appropriated funds to community and junior colleges through orders in the minutes of the board.

(b) To make studies of the needs of the state as they relate to the mission of the community and junior colleges.

(c) To approve new, changes to and deletions of vocational and technical programs to the various colleges.

(d) To require community and junior colleges to supply such information as the board may request and compile, publish and make available such reports based thereon as the board may deem advisable.

(e) To approve proposed new attendance centers (campus locations) as the local boards of trustees should determine to be in the best interest of the district. Provided, however, that no new community/junior college branch campus shall be approved without an authorizing act of the Legislature.

(f) To serve as the state approving agency for federal funds for proposed contracts to borrow money for the purpose of acquiring land, erecting, repairing, etc., dormitories, dwellings or apartments for students and/or faculty, such loans to be paid from revenue produced by such facilities as requested by local boards of trustees.

(g) To approve applications from community and junior colleges for state funds for vocational-technical education facilities.

(h) To approve any university branch campus offering lower undergraduate level courses for credit.

(i) To appoint members to the Post-Secondary Educational Assistance Board.

(j) To appoint members to the Authority for Educational Television.

(k) To contract with other boards, commissions, governmental entities, foundations, corporations or individuals for programs, services, grants and awards when such are needed for the operation and development of the state public community and junior college system.

(l) To fix standards for community and junior colleges to qualify for appropriations, and qualifications for community and junior college teachers.

(m) To have sign-off approval on the State Plan for Vocational Education which is developed in cooperation with appropriate units of the State Department of Education.

(n) To approve or disapprove of any proposed inclusion within municipal corporate limits of state-owned buildings and grounds of any community college or junior college and to approve or disapprove of land use development, zoning requirements, building codes and delivery of governmental services applicable to state-owned buildings and grounds of any community college or junior college. Any agreement by a local board of trustees of a community college or junior college to annexation of state-owned property or other conditions described in this paragraph shall be

void unless approved by the board and by the board of supervisors of the county in which the state-owned property is located.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

Senate Bill 2766

Description: State Board of Cosmetology; may administer student tests.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Public Health and Welfare
2	02/05	(S) Title Suff Do Pass
3	02/12	(S) Amended
4	02/12	(S) Passed As Amended {Vote}
5	02/14	(S) Transmitted To House
6	02/19	(H) Referred To Public Health and Human Services
7	02/27	(H) Title Suff Do Pass As Amended
8	03/11	(H) Amended
9	03/11	(H) Passed As Amended {Vote}
10	03/13	(H) Returned For Concurrence
11	03/19	(S) Concurred in Amend From House {Vote}
12	03/21	(S) Enrolled Bill Signed
13	03/21	(H) Enrolled Bill Signed
14	03/28	Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 to Amendment No 1 ***Adopted*** Voice Vote

Code Section: A 073-0007-0012

----- Additional Information -----

Senate Committee: Public Health and Welfare
House Committee: Public Health and Human Services

Principal Author: Dearing
Additional Authors: Jackson (32nd), Jackson (11th)

Title: AN ACT TO AMEND SECTION 73-7-12, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE BOARD OF COSMETOLOGY SHALL CONDUCT STUDENT EXAMINATIONS INSTEAD OF CONTRACTING WITH A TESTING SERVICE; TO PROHIBIT THE MEMBERS OF THE BOARD FROM PERSONALLY ADMINISTERING OR MONITORING THE EXAMINATIONS, AND DIRECT THE BOARD TO CONTRACT FOR ADMINISTRATORS OF THE EXAMINATIONS; TO PROVIDE THAT A MEMBER OF THE BOARD SHALL NOT RECEIVE ANY PER DIEM COMPENSATION FOR ANY DAY THAT THE MEMBER IS PRESENT AT THE SITE WHERE THE EXAMINATIONS ARE BEING ADMINISTERED; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2766

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Senator(s) Dearing, Jackson (32nd), Jackson (11th)

To: Public Health and Welfare

SENATE BILL NO. 2766
(As Sent to Governor)

AN ACT TO AMEND SECTION 73-7-12, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE BOARD OF COSMETOLOGY SHALL CONDUCT STUDENT EXAMINATIONS INSTEAD OF CONTRACTING WITH A TESTING SERVICE; TO PROHIBIT THE MEMBERS OF THE BOARD FROM PERSONALLY ADMINISTERING OR MONITORING THE EXAMINATIONS, AND DIRECT THE BOARD TO CONTRACT FOR ADMINISTRATORS OF THE EXAMINATIONS; TO PROVIDE THAT A MEMBER OF THE BOARD SHALL NOT RECEIVE ANY PER DIEM COMPENSATION FOR ANY DAY THAT THE MEMBER IS PRESENT AT THE SITE WHERE THE EXAMINATIONS ARE BEING ADMINISTERED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-7-12, Mississippi Code of 1972, is amended as follows:

73-7-12. (1) Effective January 1, 2020, the State Board of Cosmetology shall * * * terminate its student testing contract with proper notice and shall conduct examinations for cosmetologists, estheticians, manicurists and instructors at such times and locations as determined by the * * * board. * * * The members of the board shall * * * not personally administer or monitor the examinations, but the board shall contract for administrators of the examinations. A member of the board shall not receive any per diem compensation for any day that the member

is present at the site where the examinations are being administered.

(2) This section shall stand repealed on July 1, 2021.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2802

Description: Airport Authorities Law; limit ad valorem tax exemption to facilities on airport property as result of airport-related contracts & leases.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/21	(S) Referred To Finance
2	01/31	(S) Title Suff Do Pass
3	02/12	(S) Amended
4	02/12	(S) Passed As Amended {Vote}
5	02/14	(S) Transmitted To House
6	02/19	(H) Referred To Ways and Means
7	02/26	(H) Title Suff Do Pass
8	02/26	(H) Passed {Vote}
9	02/27	(H) Returned For Enrolling
10	02/28	(S) Enrolled Bill Signed
11	02/28	(H) Enrolled Bill Signed
12	03/06	Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
[S] Substitute No 1 for Amendment No 1Not Germane

Code Section: A 061-0003-0003, A 061-0003-0021

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Harkins
Additional Authors: Kirby, Gollott, Wiggins, Carter, Younger

Title: AN ACT TO AMEND SECTIONS 61-3-3 AND 61-3-21, MISSISSIPPI CODE OF 1972, TO LIMIT THE AD VALOREM TAX EXEMPTION FOR CONTRACTS, LEASES, AND OTHER ARRANGEMENTS AND STRUCTURES, IMPROVEMENTS AND OTHER FACILITIES ERECTED, INSTALLED, CONSTRUCTED OR LOCATED IN

CONNECTION THEREWITH ON AN AIRPORT OR AIR NAVIGATION FACILITY OWNED OR CONTROLLED BY AN AIRPORT AUTHORITY TO AIRPORT-RELATED CONTRACTS, LEASES AND OTHER ARRANGEMENTS AND ALL STRUCTURES, IMPROVEMENTS AND OTHER FACILITIES ERECTED, CONSTRUCTED OR LOCATED IN CONNECTION THEREWITH; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2802

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Harkins, Kirby, Gollott, Wiggins, Carter, Younger

To: Finance

SENATE BILL NO. 2802
(As Passed the Senate)

AN ACT TO AMEND SECTIONS 61-3-3 AND 61-3-21, MISSISSIPPI CODE OF 1972, TO LIMIT THE AD VALOREM TAX EXEMPTION FOR CONTRACTS, LEASES, AND OTHER ARRANGEMENTS AND STRUCTURES, IMPROVEMENTS AND OTHER FACILITIES ERECTED, INSTALLED, CONSTRUCTED OR LOCATED IN CONNECTION THEREWITH ON AN AIRPORT OR AIR NAVIGATION FACILITY OWNED OR CONTROLLED BY AN AIRPORT AUTHORITY TO AIRPORT-RELATED CONTRACTS, LEASES AND OTHER ARRANGEMENTS AND ALL STRUCTURES, IMPROVEMENTS AND OTHER FACILITIES ERECTED, CONSTRUCTED OR LOCATED IN CONNECTION THEREWITH; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 61-3-3, Mississippi Code of 1972, is amended as follows:

61-3-3. The following words or terms, whenever used or referred to in this chapter, shall have the following respective meanings unless different meanings clearly appear from the context:

(a) "Airport" means any area of land or water which is used, or intended for use, for the landing and taking off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, or for other appropriate purposes, including buffer

areas and areas for airport compatible development, together with all buildings and facilities located thereon.

(b) "Airport-related contracts, leases and other arrangements" means any leases, contracts or other arrangements entered into by an authority in accordance with Section 61-3-21 other than any:

(i) Unrelated contracts, leases and other arrangements, as defined in this section; and

(ii) Leases, contracts or other arrangements related primarily to buffer areas or other such areas for airport compatible development and any buildings or facilities located thereon.

(* * *c) "Airport authority" or "authority" means any airport authority created pursuant to the provisions of this chapter.

(* * *d) "Airport hazard" means any structure, object or natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to such landing or taking off of aircraft.

(* * *e) "Air navigation facility" means any facility other than one owned and operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or

devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

(* * *f) "Bonds" means any bonds, notes, interim certificates, debentures or similar obligations issued by an authority pursuant to this chapter.

(* * *g) "Governing body" means the official or officials authorized by law to exercise ordinance or other lawmaking powers of a municipality.

(* * *h) "Local government" means any local governmental unit as defined in Section 17-13-5.

(* * *i) "Municipal airport authority" or "municipal authority" means a municipal airport authority created pursuant to the provisions of Section 61-3-5 or 61-3-6.

(* * *j) "Municipality" means any county, supervisors district or supervisors districts, or all that portion of the county lying outside the territorial boundaries of any named city, town or village, and a city, town and village of this state or any state-supported institution of higher learning or any public community or junior college.

(* * *k) "Person" means any individual, firm, partnership, corporation, company, association, joint-stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

(* * *l) "Regional airport authority" or "regional authority" means a regional airport authority created pursuant to the provisions of Section 61-3-7.

(m) "Unrelated contracts, leases and other arrangements" means any lease, contract or other arrangement entered into by the authority in accordance with Section 61-3-21 pursuant to which the current, primary use of the structures, improvements or other facilities erected, installed, constructed or located in connection therewith are substantially unrelated to the support of the following airport-related activities:

(i) The taking off and landing of commercial and private aircraft at the airport or air navigation facility;

(ii) The maintenance or repair of commercial or private aircraft taking off and landing at the airport or air navigation facility;

(iii) The storage, via hanger or otherwise, of commercial or private aircraft taking off and landing at the airport or air navigation facility;

(iv) The shipping or transporting of freight by aircraft at the airport or air navigation facility;

(v) The provision of ground and air transportation services to commercial or private aircraft passengers;

(vi) The supplying of goods, commodities, things, services or facilities primarily:

1. To commercial and private aircraft taking off and landing at the airport or air navigation facility; or

2. Within the airport terminal building to commercial or private aircraft passengers in the process of traveling on such aircraft.

(vii) Any fixed base operator activities providing aviation services at the airport or air navigation facility.

SECTION 2. Section 61-3-21, Mississippi Code of 1972, is amended as follows:

61-3-21. (1) In connection with the operation of an airport or air navigation facility owned or controlled by an authority, the authority may enter into contracts, leases and other arrangements for terms not to exceed fifty (50) years with any persons:

(a) Granting the privilege of using or improving the airport or air navigation facility or any portion or facility thereof or space therein for commercial purposes;

(b) Conferring the privilege of supplying goods, commodities, things, services or facilities at the airport or air navigation facility; and

(c) Making available services to be furnished by the authority or its agents at the airport or air navigation facility.

In each case the authority may establish the terms and conditions and fix the charges, rentals or fees for the privileges or services, which shall be reasonable and uniform for the same

class of privilege or service and which shall be established with due regard to the property and improvements used and the expenses of operation to the authority. In no case shall the public be deprived of its rightful, equal and uniform use of the airport, air navigation facility or portion or facility thereof.

(2) Except as may be limited by the terms and conditions of any grant, loan or agreement authorized by Section 61-3-25, Mississippi Code of 1972, an authority may, by contract, lease or other arrangements, upon a consideration fixed by it, grant to any qualified person for a term not to exceed fifty (50) years, the privilege of operating, as agent of the authority or otherwise, any airport owned or controlled by the authority. However, no person shall be granted any authority to operate an airport other than as a public airport or to enter into any contracts, leases or other arrangements in connection with the operation of the airport which the authority might not have undertaken under subsection (1) of this section.

(3) All airport-related contracts, leases and other arrangements entered into pursuant to this section are deemed to serve a public and governmental purpose as a matter of public necessity; therefore, all * * * airport-related contracts, leases, and other arrangements and all structures, improvements and other facilities erected, installed, constructed or located in connection therewith on an airport or air navigation facility owned or controlled by an authority, or any portion of facility

thereof or space therein, shall be free and exempt from all state, county and municipal ad valorem taxes on real property and personal property for so long as may otherwise be lawful, and the charges, rentals and fees received by an authority in connection with * * * airport-related contracts, leases and other arrangements shall be deemed to be in lieu of said taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

Senate Bill 2810

Description: Mississippi Development Authority; authorize to sell certain property.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/21	(S) Referred To Finance
2	02/05	(S) Title Suff Do Pass Comm Sub
3	02/13	(S) Committee Substitute Adopted
4	02/13	(S) Amended
5	02/13	(S) Passed As Amended {Vote}
6	02/18	(S) Transmitted To House
7	02/19	(H) Referred To Ways and Means
8	03/05	(H) Title Suff Do Pass
9	03/07	(H) Passed {Vote}
10	03/11	(H) Returned For Enrolling
11	03/19	(S) Enrolled Bill Signed
12	03/19	(H) Enrolled Bill Signed
13	03/22	Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Fillingane

Title: AN ACT TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO SELL, LEASE OR OTHERWISE DISPOSE OF CERTAIN REAL PROPERTY; TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION TO LEASE CERTAIN REAL PROPERTY LOCATED IN OXFORD, MISSISSIPPI, TO THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Fillingane To: Finance

SENATE BILL NO. 2810
(As Passed the Senate)

AN ACT TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO SELL, LEASE OR OTHERWISE DISPOSE OF CERTAIN REAL PROPERTY; TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION TO LEASE CERTAIN REAL PROPERTY LOCATED IN OXFORD, MISSISSIPPI, TO THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The Mississippi Development Authority is authorized to sell, lease or otherwise dispose of, in whole or in part, in a manner as determined in the sole discretion of the authority, the following described real property and any improvements thereon:

TRACT I DESCRIPTION #1:

Commencing at a set nail in pavement at the SW 1/4 of the NW 1/4 of Section 15, T-18-S, R-18-W, Lowndes County, Mississippi; thence N88°35'46"E, a distance of 499.86 feet to the point of beginning and at state plane coordinate N1456560.6170 E1113430.5090, based on NAD-83, Mississippi East 2301 zone; from said point of beginning thence N00°45'46"W, a distance of 751.70 feet; thence N12°17'40"W, a

distance of 169.79 feet; thence N05°28'05"W, a distance of 263.88 feet; thence N06°23'26"W, a distance of 152.45 feet; thence N87°58'02"E, a distance of 1,534.95 feet; thence S39°27'31"W, a distance of 1,076.12 feet; thence S50°32'29"E, a distance of 41.01 feet; thence S39°27'31"W, a distance of 669.20 feet; thence S88°02'45"W, a distance 368.41 feet to the point of beginning located in the NE 1/4 of the NW 1/4 and the NW 1/4 of the NE 1/4 of Section 15, T-18-S, R-18-W, Lowndes County, Mississippi and containing 28.4373 acres, more or less.

TRACT II DESCRIPTION #1:

Commencing at the SE corner of Block 11, lot 6 of the Interstate City Addition, City of Columbus; thence N27°15'13"E, a distance of 412.90 feet; thence N50°32'29"W, a distance of 159.57 feet; thence N50°32'29"W, a distance of 30.01 feet to the point of beginning and at state plane coordinate N1457279.0334 E1114792.1955, based on NAD-83, Mississippi East 2301 zone; from said point of beginning thence S37°48'10"W, a distance of 390.43 feet; thence N50°32'29"W, a distance of 246.76 feet; thence N39°27'31"E, a distance of 390.27 feet; thence S50°32'29"E, a distance of 235.48 feet to the point of beginning, located in the Block 12, lot 3, 4, 5 & 6 of the Interstate City Addition, City of Columbus and containing 2.1603 acres, more or less.

TRACT II DESCRIPTION #2:

Beginning and Commencing at the SE corner of Block 11, lot 6 of the Interstate City Addition, City of Columbus and at state plane coordinate N1456791.4860 E1114749.4870, based on NAD-83, Mississippi East 2301 zone; thence N50°32'29"W, a distance of 235.19 feet; thence N37°48'10"E, a distance of 403.74 feet; thence S50°32'29"E, a distance of 159.57 feet; thence S27°15'13"W, a distance of 412.90 feet to the point of beginning, located in the Block 11, lot 3, 4, 5 & 6 of the Interstate City Addition, City of Columbus and containing 1.8287 acres, more or less.

(2) The Mississippi Development authority may pay the cost of title search, perfection of title, title insurance, legal fees and recording fees and other costs as may be required to sell, lease or otherwise dispose of the property.

(3) In the event that any or all of the real property and improvements described in subsection (1) of this section is sold, the real property shall be sold for not less than the current fair market value as determined by the average of two (2) appraisals by qualified appraisers, one of whom shall be selected by the Department of Finance and Administration, and both of whom shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board.

(4) Any proceeds from the sale of the land, and any improvements thereon, listed in subsection (1) of this section, shall be deposited into the state land acquisition fund.

(5) The Department of Finance and Administration may correct any discrepancies in the legal description of the property provided in this section.

SECTION 2. (1) The Mississippi Transportation Commission is authorized to lease for any amount certain real property to the Mississippi Department of Human Services. Additionally, the Mississippi Department of Human Services is authorized to sublease for any amount such real property to an entity to be selected by the department. The real property is located in Oxford, Mississippi, and is more particularly described as follows:

The following description is based on the Mississippi State Plane Coordinate System, East Zone, NAD 83 (93) grid values, U.S. Survey Feet, using a combined factor of 0.999984427 and a convergence angle of negative(-) 00 degrees 23 minutes 01 seconds as developed by the Mississippi Department of Transportation for Project No. 102168-202000. It is the intent of this description to convey that portion of the Grantors property lying within the new right-of-way as defined by said project:

Commence at a 2 1/2" aluminum monument found at the southeast corner of Section 4, Township 9 South, Range 3 West, Lafayette County, Mississippi, the location of said monument being defined by state plane coordinates of N 1,754,674.18 and E 780,228.51.

From said Point of Commencement run North 49 Degrees 55 Minutes 41 Seconds West a distance of 3488.78 feet to a point at the intersection of the grantor's southern property line and the proposed western right-of-way line of referenced State Project, said point being defined by state plane coordinates of N 1,756,920.08 and E 777,558.76 and hereinafter referred to as the Point of Beginning.

From said Point of Beginning run along the proposed western right-of-way line of the above referenced State Project the following courses and distances:

North 08 Degrees 29 Minutes 30 Seconds East a distance of 89.10 feet to a point 275.00 feet westerly of and perpendicular to the centerline survey of State Route 7 at station 1370+75.00;

North 33 Degrees 42 Minutes 15 Seconds East a distance of 229.62 feet to a point 180.00 feet westerly of and perpendicular to the centerline survey of State Route 7 at station 1372+80.00, said point is hereby designated as point "G-1" for future reference;

North 10 Degrees 08 Minutes 56 Seconds East a distance of 152.34 feet to a point 180.00 feet westerly of and perpendicular to the centerline survey of State Route 7 at station 1374+30.00;

North 07 Degrees 31 Minutes 56 Seconds West a distance of 64.79 feet to a point 85.00 feet southerly of and

perpendicular to the centerline survey of Veteran's Drive at station 8+00;

North 74 Degrees 24 Minutes 30 Seconds West a distance of 65.19 feet to a point 80.00 feet southerly of and perpendicular to the centerline survey of Veteran's Drive at station 7+35.00, said point is hereby designated as point "G-2" for future reference;

North 78 Degrees 48 Minutes 25 Seconds West a distance of 65.00 feet to a point 80.00 feet southerly of and perpendicular to the centerline survey of Veteran's Drive at station 6+70.00;

North 60 Degrees 08 Minutes 59 Seconds West a distance of 61.94 feet to a point 60.18 feet southerly of and perpendicular to the centerline survey of Veteran's Drive at station 6+11.31;

North 05 Degrees 19 Minutes 15 Seconds West a distance of 13.40 feet to a point on the existing (2012) southern right-of-way line of Veteran's Drive;

Thence leaving the proposed western right-of-way line of the above referenced State Project and along the southern right-of-way line of Veteran's Drive the following courses and distances:

South 65 Degrees 07 Minutes 31 Seconds East a distance of 66.72 feet;

South 78 Degrees 28 Minutes 40 Seconds East a distance of 227.80 feet to a point on the existing (2012) western right-of-way line of State Route 7;

Thence leaving the existing southern right-of-way line of Veteran's Drive and along the existing western right-of-way line of State Route 7 the following courses and distances:

Southerly with a curve turning to the left with a radius of 11616.29 feet, an arc length of 546.20 feet, a chord bearing of South 09 Degrees 34 Minutes 28 Seconds West, and a chord length of 546.15 feet;

North 81 Degrees 46 Minutes 21 Seconds West a distance of 25.00 feet to a point on the grantor's southern property line;

Thence leaving the existing western right-of-way line of State Route 7 and along the grantor's southern property line, run North 74 Degrees 18 Minutes 30 Seconds West a distance of 151.19 feet back to the Point of Beginning.

The above described parcel of land contains 1.53 acres, (66,726 square feet), more or less, and is situated in the Northeast Quarter of the Southwest Quarter, the Southeast Quarter of the Northwest Quarter, the Northwest Quarter of the Southeast Quarter, and the Southwest Quarter of the Northeast Quarter of Section 4, Township 9 South, Range 3 West, in the City of Oxford, Lafayette County, Mississippi.

Together with any and all abutter's rights of access, if any, in, to, over, on, and across the above-described proposed right-of-way line between Point "G-1" and Point "G-2" as described above and as shown on the Right-of-Way Acquisition maps for the above-referenced highway project.

(2) Upon notification by the Mississippi Transportation Commission that it has sufficient funding to advertise and let a contract for the expansion of State Route 7 in Lafayette County, south of Oxford, then the lease between the commission and the Mississippi Department of Human Services and the sublease between the Mississippi Department of Human Services and the subleasee for the property described in subsection (1) of this section shall be terminated and the premises leased shall be vacated.

(3) The Mississippi Transportation Commission and the Mississippi Department of Human Services must agree in writing to the terms and conditions of the lease of the property described in subsection (1) of this section.

(4) The Mississippi Transportation Commission is vested with the authority to correct any discrepancies in the legal description of the property described in subsection (1) of this section.

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

Senate Bill 2817

Description: Banks; clarify parity provisions by renumbering existing subsection.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/21	(S)	Referred To Business and Financial Institutions
2	02/04	(S)	Title Suff Do Pass
3	02/07	(S)	Passed {Vote}
4	02/08	(S)	Transmitted To House
5	02/19	(H)	Referred To Banking and Financial Services
6	03/05	(H)	Title Suff Do Pass As Amended
7	03/12	(H)	Read the Third Time
8	03/13	(H)	Amended
9	03/13	(H)	Passed As Amended {Vote}
10	03/14	(H)	Returned For Concurrence
11	03/20	(S)	Concurred in Amend From House {Vote}
12	03/26	(S)	Enrolled Bill Signed
13	03/26	(H)	Enrolled Bill Signed
14	03/29		Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2817

Code Section: A 081-0005-0001

----- Additional Information -----

Senate Committee: Business and Financial Institutions
House Committee: Banking and Financial Services

Principal Author: Parks

Title: AN ACT TO AMEND SECTION 81-5-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THE GENERAL PARITY AND OPEN-END CREDIT PARITY

PROVISIONS BY RENUMBERING AN EXISTING SUBSECTION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Parks To: Business and Financial Institutions

SENATE BILL NO. 2817
(As Sent to Governor)

AN ACT TO AMEND SECTION 81-5-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THE GENERAL PARITY AND OPEN-END CREDIT PARITY PROVISIONS BY RENUMBERING AN EXISTING SUBSECTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 81-5-1, Mississippi Code of 1972, is amended as follows:

81-5-1. (1) All banking corporations are prohibited, either through their officers or as a banking agency, from participating, directly or indirectly, in the operation of any underwriting syndicate which handles securities for resale. However, this inhibition shall not apply to bonds issued by federal, state, county or other governmental agencies.

(2) The executive officers of banking corporations now existing or hereafter organized under the laws of the State of Mississippi * * * are prohibited from owning stock in private banking houses or other agencies engaged in the business of underwriting securities for resale.

(3) The Commissioner of Banking and Consumer Finance is authorized, empowered and directed to promulgate rules and regulations, relative to withdrawals of deposits from savings banks, trust companies and other banking institutions, and the commissioner may, in cases of emergency, declare bank holidays and do any and all things necessary to insure, protect and conserve the resources of such banks.

(4) All state banking corporations are prohibited from making loans to state, county, municipal and district governmental agencies, unless such loans are made in strict compliance with legal enactments and regulations which govern, and such banking corporations are further prohibited from transferring funds from one state, county, municipal or district account to another unless authorized by warrant issued by proper authority, and such banking corporations are prohibited from discounting state, county, municipal, district or other public certificates and warrants, but such certificates and warrants may be used as collateral to guarantee the payment of notes or other obligations.

(5) The board of directors of any banking corporation created under the laws of this state may, at its option, require any or all employees of such to file with the board of directors a sworn financial statement semiannually or more often if it so desires.

(6) Any bank may, at its option, pay all checks drawn on it with currency or valid exchange drawn on a bank in a reserve city

not more than five hundred (500) miles distant from such bank; but each depositor is entitled to have his checks paid each day in currency to the total extent of ten percent (10%) of his deposit if it exceeds One Thousand Dollars ($1,000.00) and at least One Hundred Dollars ($100.00) each day if his balance is over One Hundred Dollars ($100.00) and less than One Thousand Dollars ($1,000.00), and may demand his entire balance in currency at any time if One Hundred Dollars ($100.00) or less.

(7) All state banking corporations may purchase for the account of their customers bonds, stocks and other securities, and such banking corporations may charge for their service in connection with the handling of such transactions only actual expenses plus the usual broker's fees allowed for similar service by national banks.

(8) Any state bank may purchase, lease or otherwise acquire automatic data processing computers and related machinery and equipment, and such bank may utilize and operate such computers, machinery and equipment in performing for itself, its customers or any other bank such services as may be desired, including, but not limited to, check and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices and similar items, or any other clerical, bookkeeping, accounting, statistical or similar functions performed by and for a bank. Corporations may be organized under the laws of the State of Mississippi for the

purpose of owning and operating, by purchase, lease or otherwise, such computers, related machinery and equipment as aforesaid, and such corporations may perform for any bank those services as above mentioned; and stock of such corporations shall be legal investments for state banks to the same extent that stock of bank service corporations is eligible for acquisition by national banks under the provisions of the Bank Service Corporation Act, Public Law 87-856, 76 Stat. 1132.

(9) In addition to other powers, a state-chartered bank shall have and possess such of the rights, powers, privileges, immunities, duties and obligations of a national bank having its principal place of business in this state as may be prescribed by the State Board of Banking Review by general regulation under the circumstances and conditions set out therein. In the event of a conflict between the provisions of this subsection (9) and the provisions of any other act or acts, directly or indirectly, governing or regulating the activities of state-chartered banks, the provisions of this subsection (9) shall control, and insurance activities of all banks, their subsidiaries, affiliates, branches, officers and employees doing business in this state shall be governed by the provisions of Title 83, Mississippi Code of 1972, only to the extent that Title 83, Mississippi Code of 1972, applies to national banks in Mississippi.

(10) (a) The purpose of this subsection (* * *10) is to provide for parity among Mississippi chartered or domiciled banks

extending open-end credit in this state, as well as to promote the retention of existing financial services within the state by encouraging Mississippi chartered or domiciled banks to continue their open-end credit operations in this state, rather than relocating those operations to other states with interest rates, fees and credit terms that may not be available under Mississippi law and exporting such interest rates, fees and credit terms back to Mississippi under the most favored lender doctrine of federal law.

(b) For the purpose of this subsection, "open-end credit account" means an arrangement between a creditor and a customer in which:

(i) The creditor permits the customer to obtain credit advances on a pre-authorized basis;

(ii) The creditor reasonably contemplates repeated transactions;

(iii) The creditor assesses interest on the outstanding unpaid balance of the customer's account; or

(iv) The amount of credit that may be extended to the customer, up to any limit set by the creditor, is made available to the extent that any unpaid balance is repaid.

(c) A Mississippi chartered or domiciled bank that seeks to use the provisions of this subsection shall set forth in the records of the bank the rates and fees to be charged, the

state where the rates and fees are permissible and the identity of one or more of the financial institutions.

(d) Notwithstanding any other provision of law to the contrary, Mississippi chartered or domiciled banks offering open-end credit may assess finance charges, credit service charges and fees and charges that are material to the determination of the interest rate in connection with open-end accounts at rates and amounts that are equal to or are less than the amounts that financial institutions domiciled in other states are permitted to impose and collect when extending credit to Mississippi customers as a result of the most favored lender doctrine of federal law.

(e) Notwithstanding any other provision of law to the contrary, for purposes of this subsection and Title 12, Sections 85, 1831d and 1730g of the United States Code, as applicable to the exportation of interest rates and any fees and charges that are material to their determination, any interest rates, finance charges, credit service charges and other fees and charges, in amount, as well as manner and method of computation, imposed by Mississippi chartered or domiciled banks under this subsection shall be authorized by Mississippi law.

(f) Notwithstanding any other provision of law to the contrary, any interest, finance charges, credit service charges or other fees or charges that are adopted from another state by a Mississippi chartered or domiciled bank, including those that are otherwise permissible in an amount under Mississippi law, may be

assessed, accrued, earned or changed in the same manner or method as permitted under the law of the state from which they have been adopted, regardless of whether such manner or method is material to the determination of the interest rate under the law of that state.

(g) For purposes of this subsection, Mississippi chartered or domiciled banks may impose interest, finance charges, credit service charges or other fees and charges from one or more open-end credit accounts offered by financial institutions in other states in connection with a single open-end credit account.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

Senate Bill 2831

Description: Insurance Data Security Law; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Insurance; Appropriations
2	01/30	(S) DR - TSDPCS: IN To AP
3	01/31	(S) Title Suff Do Pass Comm Sub
4	02/06	(S) Committee Substitute Adopted
5	02/06	(S) Passed {Vote}
6	02/07	(S) Transmitted To House
7	02/20	(H) Referred To Insurance; Appropriations
8	02/26	(H) DR - TSDPAA: IN To AP
9	03/05	(H) DR - TSDPAA: AP To IN
10	03/05	(H) Title Suff Do Pass As Amended
11	03/12	(H) Read the Third Time
12	03/13	(H) Amended
13	03/13	(H) Passed As Amended {Vote}
14	03/14	(H) Returned For Concurrence
15	03/20	(S) Concurred in Amend From House {Vote}
16	03/27	(S) Enrolled Bill Signed
17	03/27	(H) Enrolled Bill Signed
18	04/03	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2831

----- Additional Information -----

Senate Committee: Insurance, Appropriations
House Committee: Insurance, Appropriations

Principal Author: Carmichael

Title: AN ACT TO ESTABLISH THE INSURANCE DATA SECURITY LAW; TO PROVIDE THE PURPOSE AND INTENT OF THE ACT; TO DEFINE CERTAIN

TERMS USED IN THE ACT; TO REQUIRE INSURANCE LICENSEES IN THIS STATE TO DEVELOP, IMPLEMENT AND MAINTAIN AN INFORMATION SECURITY PROGRAM; TO REQUIRE CERTAIN INVESTIGATION OF A CYBERSECURITY EVENT; TO REQUIRE CERTAIN NOTIFICATION OF A CYBERSECURITY EVENT; TO PROVIDE FOR CERTAIN CONFIDENTIALITY; TO PROVIDE EXCEPTIONS TO THE ACT; TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF THE ACT; TO PROVIDE THE COMMISSIONER OF INSURANCE WITH REGULATORY POWERS NECESSARY TO CARRY OUT THE ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Carmichael

To: Insurance; Appropriations

SENATE BILL NO. 2831
(As Sent to Governor)

AN ACT TO ESTABLISH THE INSURANCE DATA SECURITY LAW; TO PROVIDE THE PURPOSE AND INTENT OF THE ACT; TO DEFINE CERTAIN TERMS USED IN THE ACT; TO REQUIRE INSURANCE LICENSEES IN THIS STATE TO DEVELOP, IMPLEMENT AND MAINTAIN AN INFORMATION SECURITY PROGRAM; TO REQUIRE CERTAIN INVESTIGATION OF A CYBERSECURITY EVENT; TO REQUIRE CERTAIN NOTIFICATION OF A CYBERSECURITY EVENT; TO PROVIDE FOR CERTAIN CONFIDENTIALITY; TO PROVIDE EXCEPTIONS TO THE ACT; TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF THE ACT; TO PROVIDE THE COMMISSIONER OF INSURANCE WITH REGULATORY POWERS NECESSARY TO CARRY OUT THE ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Insurance Data Security Law."

SECTION 2. (1) Notwithstanding any other provision of law, this act establishes the exclusive state standards applicable to licensees for data security, the investigation of a cybersecurity event as defined in Section 3 of this act, and notification to the Commissioner of Insurance.

(2) This act may not be construed to create or imply a private cause of action for violation of its provisions nor may it be construed to curtail a private cause of action which would otherwise exist in the absence of this act.

SECTION 3. As used in this act, the following terms shall have the following meanings:

(a) "Authorized individual" means an individual known to and screened by the licensee and determined to be necessary and appropriate to have access to the nonpublic information held by the licensee and its information systems.

(b) "Commissioner" means the Commissioner of Insurance.

(c) "Consumer" means an individual, including, but not limited to, applicants, policyholders, insureds, beneficiaries, claimants and certificate holders, who is a resident of this state and whose nonpublic information is in a licensee's possession, custody or control.

(d) "Cybersecurity event" means an event resulting in unauthorized access to, disruption or misuse of, an information system or nonpublic information stored on such information system. The term "cybersecurity event" does not include the unauthorized acquisition of encrypted nonpublic information if the encryption, process or key is not also acquired, released or used without authorization. "Cybersecurity event" does not include an event with regard to which the licensee has determined that the nonpublic information accessed by an unauthorized person has not been used or released and has been returned or destroyed.

(e) "Department" means the Mississippi Insurance Department.

(f) "Encrypted" means the transformation of data into a form which results in a low probability of assigning meaning without the use of a protective process or key.

(g) "Information security program" means the administrative, technical and physical safeguards that a licensee uses to access, collect, distribute, process, protect, store, use, transmit, dispose of or otherwise handle nonpublic information.

(h) "Information system" means a discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination or disposition of electronic nonpublic information, as well as any specialized system such as industrial/process controls systems, telephone switching and private branch exchange systems, and environmental control systems.

(i) "Licensee" means any person licensed, authorized to operate, or registered, or required to be licensed, authorized or registered pursuant to the insurance laws of this state, but shall not include a purchasing group or a risk-retention group chartered and licensed in a state other than this state or a person who is acting as an assuming insurer that is domiciled in another state or jurisdiction.

(j) "Multi-factor authentication" means authentication through verification of at least two (2) of the following types of authentication factors:

(i) Knowledge factors, such as a password;

(ii) Possession factors, such as a token or text message on a mobile phone; or

(iii) Inherence factors, such as a biometric characteristic.

(k) "Nonpublic information" means electronic information that is not publicly available information and is:

(i) Any information concerning a consumer which because of name, number, personal mark or other identifier can be used to identify such consumer, in combination with any one or more of the following data elements:

1. Social security number;

2. Driver's license number or nondriver identification card number;

3. Financial account number, credit or debit card number;

4. Any security code, access code or password that would permit access to a consumer's financial account; or

5. Biometric records;

(ii) Any information or data, except age or gender, in any form or medium created by or derived from a health care provider or a consumer, that can be used to identify a particular consumer, and that relates to:

1. The past, present or future physical, mental or behavioral health or condition of any consumer or a member of the consumer's family;

2. The provision of health care to any consumer; or

3. Payment for the provision of health care to any consumer.

(l) "Person" means any individual or any nongovernmental entity, including, but not limited to, any nongovernmental partnership, corporation, branch, agency or association.

(m) "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from: federal, state or local government records; widely distributed media; or disclosures to the general public that are required to be made by federal, state or local law. For the purposes of this definition, a licensee has a reasonable basis to believe that information is lawfully made available to the general public if the licensee has taken steps to determine:

(i) That the information is of the type that is available to the general public; and

(ii) Whether a consumer can direct that the information not be made available to the general public and, if so, that such consumer has not done so.

(n) "Risk assessment" means the risk assessment that each licensee is required to conduct under Section 4(3) of this act.

(o) "State" means the State of Mississippi.

(p) "Third-party service provider" means a person, not otherwise defined as a licensee, who contracts with a licensee to maintain, process, store or otherwise is permitted access to nonpublic information through its provision of services to the licensee.

SECTION 4. (1) Commensurate with the size and complexity of the licensee, the nature and scope of the licensee's activities, including its use of third-party service providers, and the sensitivity of the nonpublic information used by the licensee or in the licensee's possession, custody or control, each licensee shall develop, implement, and maintain a comprehensive written information security program based on the licensee's risk assessment and that contains administrative, technical and physical safeguards for the protection of nonpublic information and the licensee's information system.

(2) A licensee's information security program shall be designed to:

(a) Protect the security and confidentiality of nonpublic information and the security of the information system;

(b) Protect against any threats or hazards to the security or integrity of nonpublic information and the information system;

(c) Protect against unauthorized access to or use of nonpublic information, and minimize the likelihood of harm to any consumer; and

(d) Define and periodically reevaluate a schedule for retention of nonpublic information and a mechanism for its destruction when no longer needed.

(3) The licensee shall:

(a) Designate one or more employees, an affiliate, or an outside vendor designated to act on behalf of the licensee who is responsible for the information security program;

(b) Identify reasonably foreseeable internal or external threats that could result in unauthorized access, transmission, disclosure, misuse, alteration or destruction of nonpublic information, including the security of information systems and nonpublic information that are accessible to, or held by, third-party service providers;

(c) Assess the likelihood and potential damage of these threats, taking into consideration the sensitivity of the nonpublic information;

(d) Assess the sufficiency of policies, procedures, information systems and other safeguards in place to manage these threats, including consideration of threats in each relevant area of the licensee's operations, including:

(i) Employee training and management;

(ii) Information systems, including network and software design, as well as information classification, governance, processing, storage, transmission and disposal; and

(iii) Detecting, preventing and responding to attacks, intrusions or other systems failures; and

(e) Implement information safeguards to manage the threats identified in its ongoing assessment, and no less than annually, assess the effectiveness of the safeguards' key controls, systems and procedures.

(4) Based on its risk assessment, the licensee shall:

(a) Design its information security program to mitigate the identified risks, commensurate with the size and complexity of the licensee, the nature and scope of the licensee's activities, including its use of third-party service providers, and the sensitivity of the nonpublic information used by the licensee or in the licensee's possession, custody or control.

(b) Determine which security measures listed below are appropriate and implement such security measures.

(i) Place access controls on information systems, including controls to authenticate and permit access only to authorized individuals to protect against the unauthorized acquisition of nonpublic information;

(ii) Identify and manage the data, personnel, devices, systems and facilities that enable the organization to achieve business purposes in accordance with their relative

importance to business objectives and the organization's risk strategy;

(iii) Restrict physical access to nonpublic information, only to authorized individuals;

(iv) Protect by encryption or other appropriate means, all nonpublic information while being transmitted over an external network and all nonpublic information stored on a laptop computer or other portable computing or storage device or media;

(v) Adopt secure development practices for in-house developed applications utilized by the licensee;

(vi) Modify the information system in accordance with the licensee's information security program;

(vii) Utilize effective controls, which may include multi-factor authentication procedures for employees accessing nonpublic information;

(viii) Regularly test and monitor systems and procedures to detect actual and attempted attacks on, or intrusions into, information systems;

(ix) Include audit trails within the information security program designed to detect and respond to cybersecurity events and designed to reconstruct material financial transactions sufficient to support normal operations and obligations of the licensee;

(x) Implement measures to protect against destruction, loss, or damage of nonpublic information due to

environmental hazards, such as fire and water damage or other catastrophes or technological failures; and

(xi) Develop, implement, and maintain procedures for the secure disposal of nonpublic information in any format.

(c) Include cybersecurity risks in the licensee's enterprise risk management process.

(d) Stay informed regarding emerging threats or vulnerabilities and utilize reasonable security measures when sharing information relative to the character of the sharing and the type of information shared.

(e) Provide its personnel with cybersecurity awareness training that is updated as necessary to reflect risks identified by the licensee in the risk assessment.

(5) If the licensee has a board of directors, the board or an appropriate committee of the board shall, at a minimum:

(a) Require the licensee's executive management or its delegates to develop, implement and maintain the licensee's information security program;

(b) Require the licensee's executive management or its delegates to report in writing at least annually, the following information:

(i) The overall status of the information security program and the licensee's compliance with this act; and

(ii) Material matters related to the information security program, addressing issues such as risk assessment, risk

management and control decisions, third-party service provider arrangements, results of testing, cybersecurity events or violations and management's responses thereto, and recommendations for changes in the information security program;

(c) If executive management delegates any of its responsibilities under this section, it shall oversee the development, implementation and maintenance of the licensee's information security program prepared by the delegate(s) and shall receive a report from the delegate(s) complying with the requirements of the report to the board of directors above.

(6) (a) A licensee shall exercise due diligence in selecting its third-party service provider; and

(b) A licensee shall require a third-party service provider to implement appropriate administrative, technical and physical measures to protect and secure the information systems and nonpublic information that are accessible to, or held by, the third-party service provider.

(7) The licensee shall monitor, evaluate and adjust, as appropriate, the information security program consistent with any relevant changes in technology, the sensitivity of its nonpublic information, internal or external threats to information, and the licensee's own changing business arrangements, such as mergers and acquisitions, alliances and joint ventures, outsourcing arrangements and changes to information systems.

(8) (a) As part of its information security program, each licensee shall establish a written incident response plan designed to promptly respond to, and recover from, any cybersecurity event that compromises the confidentiality, integrity or availability of nonpublic information in its possession, the licensee's information systems, or the continuing functionality of any aspect of the licensee's business or operations.

(b) Such incident response plan shall address the following areas:

(i) The internal process for responding to a cybersecurity event;

(ii) The goals of the incident response plan;

(iii) The definition of clear roles, responsibilities and levels of decision-making authority;

(iv) External and internal communications and information sharing;

(v) Identification of requirements for the remediation of any identified weaknesses in information systems and associated controls;

(vi) Documentation and reporting regarding cybersecurity events and related incident response activities; and

(vii) The evaluation and revision as necessary of the incident response plan following a cybersecurity event.

(9) Annually, each insurer domiciled in this state shall submit to the commissioner a written statement by February 15,

certifying that the insurer is in compliance with the requirements set forth in this section. Each insurer shall maintain for examination by the department all records, schedules and data supporting this certificate for a period of five (5) years. To the extent an insurer has identified areas, systems or processes that require material improvement, updating or redesign, the insurer shall document the identification and the remedial efforts planned and underway to address such areas, systems or processes. Such documentation must be available for inspection by the commissioner.

SECTION 5. (1) If the licensee learns that a cybersecurity event has or may have occurred, then the licensee, or an outside vendor and/or service provider designated to act on behalf of the licensee, shall conduct a prompt investigation.

(2) During the investigation, the licensee, or an outside vendor and/or service provider designated to act on behalf of the licensee, shall, at a minimum, determine as much of the following information as possible:

(a) Determine whether a cybersecurity event has occurred;

(b) Assess the nature and scope of the cybersecurity event;

(c) Identify any nonpublic information that may have been involved in the cybersecurity event; and

(d) Perform or oversee reasonable measures to restore the security of the information systems compromised in the cybersecurity event in order to prevent further unauthorized acquisition, release or use of nonpublic information in the licensee's possession, custody or control.

(3) If the licensee learns that a cybersecurity event has or may have occurred in a system maintained by a third-party service provider, the licensee will complete the steps listed in subsection (2) of this section or confirm and document that the third-party service provider has completed those steps.

(4) The licensee shall maintain records concerning all cybersecurity events for a period of at least five (5) years from the date of the cybersecurity event and shall produce those records upon demand of the commissioner.

SECTION 6. (1) Each licensee shall notify the commissioner as promptly as possible but in no event later than three (3) business days from a determination that a cybersecurity event involving nonpublic information that is in the possession of a licensee has occurred when either of the following criteria has been met:

(a) This state is the licensee's state of domicile, in the case of an insurer, or this state is the licensee's home state, in the case of a producer, as those terms are defined in Section 83-17-53, and the cybersecurity event has a reasonable likelihood of materially harming a consumer residing in this state

or reasonable likelihood of materially harming any material part of the normal operation(s) of the licensee; or

(b) The licensee reasonably believes that the nonpublic information involved is of two hundred fifty (250) or more consumers residing in this state and that is either of the following:

(i) A cybersecurity event impacting the licensee of which notice is required to be provided to any government body, self-regulatory agency or any other supervisory body pursuant to any state or federal law; or

(ii) A cybersecurity event that has a reasonable likelihood of materially harming:

1. Any consumer residing in this state; or

2. Any material part of the normal operation(s) of the licensee.

(2) The licensee shall provide as much of the following information as possible. The licensee shall provide the information in electronic form as directed by the commissioner. The licensee shall have a continuing obligation to update and supplement initial and subsequent notifications to the commissioner regarding material changes to previously provided information relating to the cybersecurity event.

(a) Date of the cybersecurity event;

(b) Description of how the information was exposed, lost, stolen or breached, including the specific roles and responsibilities of third-party service providers, if any;

(c) How the cybersecurity event was discovered;

(d) Whether any lost, stolen, or breached information has been recovered and if so, how this was done;

(e) The identity of the source of the cybersecurity event;

(f) Whether the licensee has filed a police report or has notified any regulatory, government or law enforcement agencies and, if so, when such notification was provided;

(g) Description of the specific types of information acquired without authorization. Specific types of information means particular data elements including, for example, types of medical information, types of financial information or types of information allowing identification of the consumer;

(h) The period during which the information system was compromised by the cybersecurity event;

(i) The number of total consumers in this state affected by the cybersecurity event. The licensee shall provide the best estimate in the initial report to the commissioner and update this estimate with each subsequent report to the commissioner pursuant to this section;

(j) The results of any internal review identifying a lapse in either automated controls or internal procedures, or

confirming that all automated controls or internal procedures were followed;

(k) Description of efforts being undertaken to remediate the situation which permitted the cybersecurity event to occur;

(l) A copy of the licensee's privacy policy and a statement outlining the steps the licensee will take to investigate and notify consumers affected by the cybersecurity event; and

(m) Name of a contact person who is both familiar with the cybersecurity event and authorized to act for the licensee.

(3) Licensee shall comply with Section 75-24-29, as applicable, and provide a copy of the notice sent to consumers under that statute to the commissioner, when a licensee is required to notify the commissioner under subsection (1) of this section.

(4) (a) In the case of a cybersecurity event in a system maintained by a third-party service provider, of which the licensee has become aware, the licensee shall treat such event as it would under subsection (1) of this section unless the third-party service provider provides the notice required under subsection (1) of this section to the commissioner.

(b) The computation of licensee's deadlines shall begin on the day after the third-party service provider notifies the

licensee of the cybersecurity event or the licensee otherwise has actual knowledge of the cybersecurity event, whichever is sooner.

(c) Nothing in this act shall prevent or abrogate an agreement between a licensee and another licensee, a third-party service provider or any other party to fulfill any of the investigation requirements imposed under Section 5 of this act or notice requirements imposed under this section.

(5) (a) (i) In the case of a cybersecurity event involving nonpublic information that is used by the licensee who is acting as an assuming insurer or in the possession, custody or control of a licensee who is acting as an assuming insurer and that does not have a direct contractual relationship with the affected consumers, the assuming insurer shall notify its affected ceding insurers and the commissioner of its state of domicile within three (3) business days of making the determination that a cybersecurity event has occurred.

(ii) The ceding insurers that have a direct contractual relationship with affected consumers shall fulfill the consumer notification requirements imposed under Section 75-24-29 and any other notification requirements relating to a cybersecurity event imposed under this section.

(b) (i) In the case of a cybersecurity event involving nonpublic information that is in the possession, custody or control of a third-party service provider of a licensee who is an assuming insurer, the assuming insurer shall notify its affected

ceding insurers and the commissioner of its state of domicile within three (3) business days of receiving notice from its third-party service provider that a cybersecurity event has occurred.

(ii) The ceding insurers that have a direct contractual relationship with affected consumers shall fulfill the consumer notification requirements imposed under Section 75-24-29 and any other notification requirements relating to a cybersecurity event imposed under this section.

(c) Any licensee acting as assuming insurer shall have no other notice obligations relating to a cybersecurity event or other data breach under this section or any other law of this state.

(6) In the case of a cybersecurity event involving nonpublic information that is in the possession, custody or control of a licensee who is an insurer or its third-party service provider for which a consumer accessed the insurer's services through an independent insurance producer, and for which consumer notice is required under Section 75-24-29, the insurer shall notify the producers of record of all affected consumers of the cybersecurity event no later than the time at which notice is provided to the affected consumers. The insurer is excused from this obligation for any producers who are not authorized by law or contract to sell, solicit or negotiate on behalf of the insurer, and in those

instances in which the insurer does not have the current producer of record information for any individual consumer.

SECTION 7. (1) The commissioner shall have power to examine and investigate into the affairs of any licensee to determine whether the licensee has been or is engaged in any conduct in violation of this act. This power is in addition to the powers which the commissioner has under Section 83-5-201 et seq. Any such investigation or examination shall be conducted pursuant to Section 83-5-201 et seq.

(2) Whenever the commissioner has reason to believe that a licensee has been or is engaged in conduct in this state which violates this act, the commissioner may take action that is necessary or appropriate to enforce the provisions of this act.

SECTION 8. (1) Any documents, materials or other information in the control or possession of the department that are furnished by a licensee or an employee or agent thereof acting on behalf of a licensee pursuant to Section 4(9) of this act, Section 6(2)(b), (c), (d), (e), (h), (j) and (k) of this act, or that are obtained by the commissioner in an investigation or examination pursuant to Section 7 of this act shall be confidential by law and privileged, shall not be subject to the Mississippi Public Records Act, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use the documents, materials or other information in the

furtherance of any regulatory or legal action brought as a part of the commissioner's duties. The commissioner shall not otherwise make the documents, materials or other information public without the prior written consent of the licensee.

(2) Neither the commissioner nor any person who received documents, materials or other information while acting under the authority of the commissioner shall be permitted or required to testify in any private civil action concerning any confidential documents, materials or information subject to subsection (1) of this section.

(3) In order to assist in the performance of the commissioner's duties under this act, the commissioner:

(a) May share documents, materials or other information, including the confidential and privileged documents, materials or information subject to subsection (1) of this section, with other state, federal and international regulatory agencies, with the National Association of Insurance Commissioners, its affiliates or subsidiaries, and with state, federal and international law enforcement authorities, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material or other information;

(b) May receive documents, materials or information, including otherwise confidential and privileged documents, materials or information, from the National Association of

Insurance Commissioners, its affiliates or subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information;

(c) May share documents, materials or other information subject to subsection (1) of this section with a third-party consultant or vendor provided the consultant agrees in writing to maintain the confidentiality and privileged status of the document, material or other information; and

(d) May enter into agreements governing sharing and use of information consistent with this subsection (3).

(4) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (3) of this section.

(5) Nothing in this act shall prohibit the commissioner from releasing final, adjudicated actions that are open to public inspection pursuant to the Mississippi Public Records Act, to a database or other clearinghouse service maintained by the National Association of Insurance Commissioners, its affiliates or subsidiaries.

(6) Documents, materials or other information in the possession or control of the National Association of Insurance Commissioners or a third-party consultant or vendor pursuant to this act shall be confidential by law and privileged, shall not be subject to the Mississippi Public Records Act, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

SECTION 9. (1) The following exceptions shall apply to this act:

(a) A licensee meeting any of the following criteria is exempt from Sections 4, 5(3) and 6(4)(a) and (b) of this act:

(i) Fewer than fifty (50) employees, excluding any independent contractors;

(ii) Less than Five Million Dollars ($5,000,000.00) in gross annual revenue;

(iii) Less than Ten Million Dollars ($10,000,000.00) in year-end total assets; or

(iv) Insurance producers and adjusters.

(b) A licensee subject to Public Law 104-191, 110 Stat. 1936, enacted August 21, 1996, (Health Insurance Portability and Accountability Act) that has established and maintains an information security program pursuant to such statutes, rules, regulations, procedures or guidelines established thereunder, will be considered to meet the requirements of Section 4 of this act,

provided that the licensee is compliant with, and submits a written statement certifying its compliance with, the same.

(c) An employee, agent, representative or designee of a licensee, who is also a licensee, is exempt from Section 4 of this act and need not develop its own information security program to the extent that the employee, agent, representative or designee is covered by the information security program of the other licensee.

(d) A licensee affiliated with a depository institution that maintains an information security program in compliance with the *Interagency Guidelines Establishing Standards for Safeguarding Customer Information* as set forth pursuant to Sections 501 and 505 of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 and 6805) shall be considered to meet the requirements of Section 4 of this act, provided that the licensee produces, upon request, documentation satisfactory to the commissioner that independently validates the affiliated depository institution's adoption of an information security program that satisfies the Interagency Guidelines.

(2) In the event that a licensee ceases to qualify for an exception, such licensee shall have one hundred eighty (180) days to comply with this act.

SECTION 10. In the case of a violation of this act, a licensee may be penalized in accordance with Section 83-5-85.

SECTION 11. The commissioner may issue such regulations as shall be necessary to carry out the provisions of this act.

SECTION 12. If any provisions of this act or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 13. Licensees shall have one (1) year from the effective date of this act to implement Section 4 of this act and two (2) years from the effective date of this act to implement Section 4(6) of this act.

SECTION 14. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2839

Description: State Veterans Affairs Board; authorize to be referred to as the "Mississippi Veterans Affairs".

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Veterans and Military Affairs; Appropriations
2	01/30	(S)	DR - TSDP: VM To AP
3	02/05	(S)	Title Suff Do Pass
4	02/07	(S)	Passed {Vote}
5	02/08	(S)	Transmitted To House
6	02/19	(H)	Referred To Military Affairs; Appropriations
7	02/26	(H)	DR - TSDP: MA To AP
8	02/27	(H)	DR - TSDP: AP To MA
9	02/27	(H)	Title Suff Do Pass
10	03/12	(H)	Passed {Vote}
11	03/13	(H)	Returned For Enrolling
12	03/19	(S)	Enrolled Bill Signed
13	03/19	(H)	Enrolled Bill Signed
14	03/22		Approved by Governor

Code Section: A 035-0001-0001

----- Additional Information -----

Senate Committee: Veterans and Military Affairs, Appropriations
House Committee: Military Affairs, Appropriations

Principal Author: Parker
Additional Authors: Moran

Title: AN ACT TO AMEND SECTION 35-1-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE VETERANS AFFAIRS BOARD MAY ALSO BE REFERRED TO AS THE "MISSISSIPPI VETERANS AFFAIRS"; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2839

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Parker, Moran

To: Veterans and Military Affairs; Appropriations

SENATE BILL NO. 2839

AN ACT TO AMEND SECTION 35-1-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE VETERANS AFFAIRS BOARD MAY ALSO BE REFERRED TO AS THE "MISSISSIPPI VETERANS AFFAIRS"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 35-1-1, Mississippi Code of 1972, is amended as follows:

35-1-1. (1) (a) There is hereby created a State Veterans Affairs Board, which may also be referred to as the "Mississippi Veterans Affairs," to consist of seven (7) members, to be appointed by the Governor, one (1) from each congressional district as they existed on January 1, 1952, of the State of Mississippi. One (1) shall be appointed for one (1) year, another for two (2) years, another for three (3) years, another for four (4) years, another for five (5) years, another for six (6) years, and another for seven (7) years, thus staggered. At the end of such term for each of said seven (7) members, a successor shall be appointed for a term of seven (7) years, thus providing for seven (7) members, one (1) of whom shall be appointed each year. In the

event of death, resignation or removal of a member of the board, such person appointed to fill the vacancy shall be a legal resident of the congressional district in which the vacancy shall occur, and shall serve for the remainder of the term to which such member was appointed. Members of the board shall be veterans of any war or police action in which the Armed Forces of the United States have been, are, or shall be committed for action, who have been honorably discharged or honorably released.

(b) From and after May 14, 1992, terms of all members then serving on the State Veterans Affairs Board shall terminate, and the board shall be reconstituted as follows: The board shall consist of seven (7) members. All members shall be appointed by the Governor, with the advice and consent of the Senate. One (1) member shall be appointed from each congressional district as such districts existed on March 1, 1992, and two (2) members shall be appointed from the state at large. Of the initial congressional district appointees to the board, one (1) shall serve for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years and one (1) for a term of five (5) years. Of the initial at-large appointees, one (1) (who shall be that person appointed in January 1992 from the First Congressional District under the provisions of paragraph (a) of this subsection) shall serve for a term of three (3) years and one (1) (who shall be that person appointed in January 1992 from the Seventh Congressional District under the

provisions of paragraph (a) of this subsection) shall serve for a term of five (5) years. All appointees after the initial appointees shall serve for terms of five (5) years each. In the event of death, resignation or removal of a member of the board, the vacancy shall be filled by appointment of the Governor, with the advice and consent of the Senate, from the congressional district in which the vacancy occurs, for the length of the unexpired term only. Members of the board shall be honorably discharged or released veterans of any war or police action in which the Armed Forces of the United States have been, are, or shall be committed for action. No state/department commander of any federally recognized veterans organization, no national officer of any federally recognized veterans organization and no member of the Mississippi Council of Veterans Organizations shall be eligible for appointment to the board until the expiration of a period of three (3) years after the termination of their service in such disqualifying positions.

(2) Members of the board shall annually elect as chairman one of their number and another member as vice chairman. Members of the board shall hold regular monthly meetings and such other meetings as may be called by the chairman or the vice chairman in his absence.

(3) Beginning July 1, 2019, any reference in this code to the State Veterans Affairs Board shall also mean the Mississippi Veterans Affairs.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2863

Description: State employment; revise definition of the term "disabled veteran" as used for veterans preference.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Accountability, Efficiency, Transparency
2	01/31	(S)	Title Suff Do Pass
3	02/11	(S)	Passed {Vote}
4	02/12	(S)	Transmitted To House
5	02/19	(H)	Referred To Military Affairs
6	02/26	(H)	Title Suff Do Pass
7	03/12	(H)	Passed {Vote}
8	03/13	(H)	Returned For Enrolling
9	03/19	(S)	Enrolled Bill Signed
10	03/19	(H)	Enrolled Bill Signed
11	03/22		Approved by Governor

Code Section: A 025-0009-0301

----- Additional Information -----

Senate Committee: Accountability, Efficiency, Transparency
House Committee: Military Affairs

Principal Author: Parks
Additional Authors: Moran, Massey, Younger, Parker, Blackwell, Jackson (11th)

Title: AN ACT TO AMEND SECTION 25-9-301, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "DISABLED VETERAN" AS USED FOR VETERANS PREFERENCE IN STATE EMPLOYMENT; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2863

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Senator(s) Parks, Moran, Massey, Younger, Parker, Blackwell, Jackson (11th)

To: Accountability, Efficiency, Transparency

SENATE BILL NO. 2863

AN ACT TO AMEND SECTION 25-9-301, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "DISABLED VETERAN" AS USED FOR VETERANS PREFERENCE IN STATE EMPLOYMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-9-301, Mississippi Code of 1972, is amended as follows:

25-9-301. The following terms shall have the meaning ascribed herein unless the context shall require otherwise:

(a) "Veteran" means a person who served in the active Armed Forces of the United States for a period of ninety (90) days during a period of war or armed conflict and was granted an honorable discharge therefrom; or was discharged therefrom for a service-connected injury in less than ninety (90) days.

(b) "Disabled veteran" means a veteran who the Veterans Administration has certified to have a service-connected disability rating of at least thirty percent (30%) within the last ninety (90) days, or a veteran who was awarded the Purple Heart for wounds received in combat.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2864

Description: Mississippi Insurance Guaranty Association Law; revise the definition of "covered claim".

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Insurance
2	02/04	(S) Title Suff Do Pass
3	02/06	(S) Passed {Vote}
4	02/07	(S) Transmitted To House
5	02/19	(H) Referred To Insurance
6	02/26	(H) Title Suff Do Pass
7	03/04	(H) Passed {Vote}
8	03/05	(H) Returned For Enrolling
9	03/06	(S) Enrolled Bill Signed
10	03/06	(H) Enrolled Bill Signed
11	03/12	Approved by Governor

Code Section: A 083-0023-0109, A 083-0023-0115

----- Additional Information -----

Senate Committee: Insurance
House Committee: Insurance

Principal Author: Carmichael

Title: AN ACT TO AMEND SECTION 83-23-109, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A COVERED CLAIM UNDER THE MISSISSIPPI INSURANCE GUARANTY ASSOCIATION LAW SHALL NOT INCLUDE ANY CLAIM THAT HAS BEEN REJECTED OR DENIED BY ANY OTHER STATE GUARANTY FUND BASED UPON THAT STATE'S STATUTORY EXCLUSIONS REGARDING THE INSURED'S NET WORTH; TO AMEND SECTION 83-23-115, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A COVERED CLAIM SHALL NOT INCLUDE A CLAIM FILED AFTER FINAL DATE SET BY THE COURT FOR THE FILING OF CLAIMS AGAINST THE LIQUIDATOR OR RECEIVER OF AN INSOLVENT INSURER; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2864

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Carmichael To: Insurance

SENATE BILL NO. 2864

AN ACT TO AMEND SECTION 83-23-109, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A COVERED CLAIM UNDER THE MISSISSIPPI INSURANCE GUARANTY ASSOCIATION LAW SHALL NOT INCLUDE ANY CLAIM THAT HAS BEEN REJECTED OR DENIED BY ANY OTHER STATE GUARANTY FUND BASED UPON THAT STATE'S STATUTORY EXCLUSIONS REGARDING THE INSURED'S NET WORTH; TO AMEND SECTION 83-23-115, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A COVERED CLAIM SHALL NOT INCLUDE A CLAIM FILED AFTER FINAL DATE SET BY THE COURT FOR THE FILING OF CLAIMS AGAINST THE LIQUIDATOR OR RECEIVER OF AN INSOLVENT INSURER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 83-23-109, Mississippi Code of 1972, is amended as follows:

83-23-109. As used in this article:

(a) "Affiliate" means a person who directly, or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with an insolvent insurer on December 31 of the year next preceding the date the insurer becomes an insolvent insurer.

(b) "Association" means the Mississippi Insurance Guaranty Association created under Section 83-23-111.

(c) "Claimant" means any insured making a first-party claim or any person instituting a liability claim, provided that no person who is an affiliate of the insolvent insurer may be a claimant.

(d) "Commissioner" means the Commissioner of Insurance.

(e) "Control" means the possession, direct or indirect, of the power to direct or cause direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing ten percent (10%) or more of the voting securities of any other person. This presumption may be rebutted by a showing that control does not exist in fact.

(f) "Covered claim" means an unpaid claim, including one of unearned premiums, which arises out of and is within the coverage and not in excess of the applicable limits of an insurance policy to which this article applies issued by an insurer, if such insurer becomes an insolvent insurer and * * * (i) the claimant or insured is a resident of this state at the time of the insured event, provided that for entities other than an individual, the residence of a claimant or insured is the state in which its principal place of business is located at the time of

the insured event; or * * * (ii) the property from which the claim arises is permanently located in this state. "Covered claim" shall not include any amount awarded as punitive or exemplary damages; or sought as a return of premium under any retrospective rating plan; or due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise and shall preclude recovery thereof from the insured of any insolvent carrier to the extent of the policy limits. "Covered claim" shall not include any claim that would otherwise be a covered claim under this article that has been rejected or denied by any other state guaranty fund based upon that state's statutory exclusions regarding the insured's net worth.

(g) "Insolvent insurer" means an insurer licensed to transact insurance in this state either at the time the policy was issued or when the insured event occurred and against whom an order of liquidation with a finding of insolvency has been entered by a court of competent jurisdiction, in the insurer's state of domicile or of this state and the order of liquidation has not been stayed or been the subject of a writ of supersedeas or other comparable order.

(h) "Member insurer" means any person who * * * (i) writes any kind of insurance to which this article applies under Section 83-23-105, including the exchange of reciprocal or interinsurance contracts, and * * * (ii) is licensed to transact insurance in this state.

(i) "Net direct written premiums" means direct gross premiums written in this state on insurance policies to which this article applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or reinsurers.

(j) "Person" means any individual, corporation, partnership, association or voluntary organization.

SECTION 2. Section 83-23-115, Mississippi Code of 1972, is amended as follows:

83-23-115. (1) The association shall:

(a) Be obligated to the extent of the covered claims existing prior to the determination of insolvency and arising within thirty (30) days after the determination of insolvency, or before the policy expiration date if less than thirty (30) days after the determination, or before the insured replaces the policy or causes its cancellation if he does so within thirty (30) days of the determination. Such obligation shall be satisfied by paying the claimant an amount as follows:

(i) The full amount of a covered claim for benefits under a workers' compensation insurance coverage;

(ii) An amount in excess of Fifty Dollars ($50.00) per policy for a covered claim for the return of unearned premium;

(iii) An amount in excess of Fifty Dollars ($50.00) but not exceeding Three Hundred Thousand Dollars ($300,000.00) per claimant for all other covered claims.

In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises. Notwithstanding any other provisions of this article, a covered claim shall not include a claim filed with the association after final date set by the court for the filing of claims against the liquidator or receiver of an insolvent insurer.

(b) Be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent.

(c) Assess insurers amounts necessary to pay the obligations of the association under paragraph (a) subsequent to an insolvency, the expenses of handling covered claims subsequent to an insolvency, and the cost of examinations under Section 83-23-125 and other expenses authorized by this article. The assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the preceding calendar year bears to the net direct written premiums of all member insurers for the preceding calendar year. Each member insurer shall be notified of the assessment not later than thirty (30) days before it is due. No member insurer may be

assessed in any year an amount greater than one percent (1%) of that member insurer's net direct written premiums for the preceding calendar year. If the maximum assessment, together with the other assets of the association, does not provide in any one (1) year an amount sufficient to make all necessary payments, the funds available shall be prorated and the unpaid portion shall be paid as soon thereafter as funds become available. The association may exempt or defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Each member insurer may set off, against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer.

(d) Investigate claims brought against the association; adjust, compromise, settle, and pay covered claims to the extent of the association's obligation; deny all other claims; and may review settlements, releases, and judgments to which the insolvent insurer or its insureds were parties, to determine the extent to which such settlements, releases, and judgments may be properly contested.

(e) Notify such persons as the commissioner directs under Section 83-23-119(2)(a).

(f) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the commissioner, but such designation may be declined by a member insurer.

(g) Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association, and shall pay the other expenses of the association authorized by this article.

(2) The association may:

(a) Employ or retain such persons as are necessary to handle claims and perform other duties of the association.

(b) Borrow funds necessary to effect the purposes of this article in accord with the plan of operation.

(c) Sue or be sued.

(d) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this article.

(e) Perform such other acts as are necessary or proper to effectuate the purpose of this article.

(f) Refund to the member insurers in proportion to the contribution of each member insurer to the association that amount by which the assets of the association exceed the liabilities if, at the end of any calendar year, the board of directors finds that the assets of the association exceed the liabilities of the

association as estimated by the board of directors for the coming year.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2869

Description: Appraisal management companies; reduce the number of days by which an independent contract appraiser must be paid for appraisal services.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Business and Financial Institutions
2	02/04	(S)	Title Suff Do Pass
3	02/07	(S)	Passed {Vote}
4	02/08	(S)	Transmitted To House
5	02/19	(H)	Referred To Banking and Financial Services
6	03/05	(H)	Title Suff Do Pass
7	03/12	(H)	Read the Third Time
8	03/13	(H)	Passed {Vote}
9	03/14	(H)	Returned For Enrolling
10	03/19	(S)	Enrolled Bill Signed
11	03/19	(H)	Enrolled Bill Signed
12	03/22		Approved by Governor

Code Section: A 073-0034-0117

----- Additional Information -----

Senate Committee: Business and Financial Institutions
House Committee: Banking and Financial Services

Principal Author: Parks

Title: AN ACT TO AMEND SECTION 73-34-117, MISSISSIPPI CODE OF 1972, TO REDUCE THE NUMBER OF DAYS BY WHICH AN APPRAISAL MANAGEMENT COMPANY IS REQUIRED TO PAY AN INDEPENDENT CONTRACT APPRAISER FOR THE COMPLETION OF AN APPRAISAL SERVICE WITH CERTAIN EXCEPTIONS; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2869

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Senator(s) Parks — To: Business and Financial Institutions

SENATE BILL NO. 2869

AN ACT TO AMEND SECTION 73-34-117, MISSISSIPPI CODE OF 1972, TO REDUCE THE NUMBER OF DAYS BY WHICH AN APPRAISAL MANAGEMENT COMPANY IS REQUIRED TO PAY AN INDEPENDENT CONTRACT APPRAISER FOR THE COMPLETION OF AN APPRAISAL SERVICE WITH CERTAIN EXCEPTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-34-117, Mississippi Code of 1972, is amended as follows:

73-34-117. (1) Each appraisal management company doing business in this state shall certify to the commission on an annual basis that it requires appraisers completing appraisals at its request to comply with the Uniform Standards of Professional Appraisal Practice, including the requirements for geographic and product competence.

(2) Each appraisal management company doing business in this state shall certify to the commission on an annual basis that it has a system in place to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established

under Section 129E of the Truth in Lending Act, including the requirement that fee appraisers be compensated at a customary and reasonable rate when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer.

(3) Each appraisal management company doing business in this state shall certify to the commission on an annual basis that it has a system in place requiring payment to an independent contract appraiser for the completion of an appraisal service within * * * thirty (30) days after the appraiser provides the completed appraisal report to the appraisal management company, except in cases involving a bona fide breach of contract, substandard performance of services, or alternate payment terms agreed upon by the appraiser and the appraisal management company.

(4) An appraisal management company shall not prohibit an appraiser from reporting the fee paid to the appraiser in the body of the appraisal report, however an appraisal management company may require an appraiser to present any such disclosure in a specified format and location.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2876

Description: Public purchasing; extend repeal date on law which regulates contracts for energy efficiency services.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Finance
2	01/31	(S) Title Suff Do Pass Comm Sub
3	02/06	(S) Committee Substitute Adopted
4	02/06	(S) Passed {Vote}
5	02/07	(S) Transmitted To House
6	02/20	(H) Referred To Energy
7	03/04	(H) Title Suff Do Pass As Amended
8	03/12	(H) Read the Third Time
9	03/13	(H) Passed {Vote}
10	03/14	(H) Returned For Enrolling
11	03/19	(S) Enrolled Bill Signed
12	03/19	(H) Enrolled Bill Signed
13	03/22	Approved by Governor

Amendments:

[H] Committee Amendment No 1Tabled

Code Section: A 031-0007-0014

----- Additional Information -----

Senate Committee: Finance
House Committee: Energy

Principal Author: Fillingane

Title: AN ACT TO AMEND SECTION 31-7-14, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEAL DATE ON THE LAW WHICH REGULATES PUBLIC CONTRACTS FOR ENERGY EFFICIENCY SERVICES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Fillingane To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2876

AN ACT TO AMEND SECTION 31-7-14, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEAL DATE ON THE LAW WHICH REGULATES PUBLIC CONTRACTS FOR ENERGY EFFICIENCY SERVICES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 31-7-14, Mississippi Code of 1972, is amended as follows:

31-7-14. (1) (a) For purposes of this section, the following words and phrases shall have the meaning ascribed herein, unless the context clearly indicates otherwise:

(i) "Division" means the Energy Division of the Mississippi Development Authority.

(ii) "Energy services" or "energy efficient services" means energy efficiency equipment, services relating to the installation, operation and maintenance of equipment and improvements reasonably required to existing or new equipment and existing or new improvements and facilities including, but not limited to, heating, ventilation and air-conditioning systems, lighting, windows, insulation and energy management controls, life

safety measures that provide long-term, operating-cost reductions, building operation programs that reduce operating costs, alternative fuel motor vehicles including vehicles that have been converted to such and ancillary equipment related to or associated with the fueling of alternative fuel motor vehicles, or other energy-conservation-related improvements, including improvements or equipment related to renewable energy, water and other natural resources conservation, including accuracy and measurement of water distribution and/or consumption, and other equipment, services and improvements providing verifiable cost savings.

(iii) "Energy services provider" means a person or business with a successful record of documented energy savings projects that is experienced in the design, implementation and installation of energy conservation measures; has the technical capabilities to verify that such measures generate energy and operational cost savings or enhanced revenues; has the ability to guarantee the savings; has the ability to secure or arrange the financing necessary to support the implementation of the energy conservation measures; and is approved by the division.

Approval by the division of an energy services provider shall be granted in a prequalification process.

Such energy services providers may petition the division to review their qualifications and deem them to be qualified for inclusion on a prequalification list if they meet the qualifications set forth by the division.

Any energy services project that has been competitively bid and awarded prior to any change in law shall be allowed to continue under the laws current at the time the project was awarded.

The division shall ensure that small businesses are not disadvantaged in the determination of a qualified energy services provider.

(iv) "Entity" means the board of trustees of any public school district, junior college, institution of higher learning, publicly owned hospital, state agency or governmental authority under this chapter.

(v) "Energy services contract" means an agreement to provide energy services which include, but are not limited to, the design, installation, financing and maintenance or management of the energy systems or equipment in order to improve its energy efficiency. Payments for the contract are not contingent upon the actual savings realized from the equipment.

(vi) "Energy performance contract" means an agreement to provide energy services which includes, but is not limited to, the design, installation, financing and maintenance or management of the energy systems or equipment in order to improve its energy efficiency.

(vii) "Shared-savings contract" means an agreement where the contractor and the entity each receive a preagreed

percentage or dollar value of the energy cost savings over the life of the contract.

(viii) "Reduce operating costs" means elimination of future expenses or avoidance of future replacement expenditures as a result of new equipment installed or services performed. Material savings, labor savings, cancelled maintenance contracts, et cetera, shall be considered as being viable to reduce operating costs. Reduce operating costs may be included in the performance contract or energy services agreement solely at the discretion of the entity. A contract that otherwise satisfies the requirements of this section shall satisfy the requirements allowing use of an energy performance, energy services or shared-savings contract even if the sole expense being eliminated is maintenance expense.

(ix) "Capital cost avoidance" means planned capital improvement expenditures that will be avoided through implementation of the energy services project. Capital cost avoidance may be included in an energy services contract or an energy performance contract solely at the discretion of the entity. Capital cost avoidance may be claimed as an annual avoidance or as a one-time avoidance in a specific year of the contract term, depending upon the nature of the avoided capital cost.

(x) "Alternative fuel motor vehicle" means a motor vehicle propelled by alternative fuel either as a dedicated alternative fuel vehicle, as a bi-fuel vehicle using alternative

fuel as one of its fuels, or as a dual fuel vehicle using alternative fuel as one of its fuels.

(xi) "Energy conservation measure" means the individual items or components of a large energy services or energy efficient services program.

(xii) "Simple payback period" means the amount of time for the recuperation of the initial investment. The simple payback period is calculated by dividing the initial investment by the annual savings. The simple payback period for any contract shall not exceed twenty (20) years. The simple payback period of an individual energy conservation measure shall not be considered in any evaluation provided the simple payback period for the contract does not exceed twenty (20) years.

(b) An entity may enter into an energy services contract, energy performance contract, shared-savings contract, any of which may contain a lease, or lease-purchase contract for energy efficiency equipment, services relating to the installation, operation and maintenance of equipment or improvements reasonably required to existing or new equipment and existing or new improvements and facilities and shall contract in accordance with the following provisions:

(i) The division may assemble a list of prequalified energy services providers. The division shall use objective criteria in the selection process. The criteria for evaluation shall include, but shall not be limited to, the

following factors: to assess the capability of the qualified energy services provider in the area of design engineering, installation, maintenance and repairs associated with energy services or guaranteed energy performance contracts; qualifications including engineering depth and experience, post-installation project monitoring, data collection, and verification of and reporting of savings; overall project experience and qualifications; management capability; ability to access long-term sources of project financing; financial health and stability, litigation history with customers and other factors determined by the division to be relevant and appropriate and related to the ability to perform the project. The division shall either accept or reject an application for prequalification from an energy services provider within sixty (60) days after receipt. If the division fails to act within sixty (60) days from the date of receiving an application, then the application shall automatically be accepted and the energy services provider shall be added to the prequalified list.

(ii) An entity shall publicly issue requests for proposals, advertised in the same manner as provided in Section 31-7-13 for seeking competitive sealed bids, concerning the provision of energy efficiency services relating to the installation, operation and maintenance of equipment, improvements reasonably required to existing or new equipment and existing or new improvements and facilities or the design, installation,

ownership, operation and maintenance of energy efficiency equipment. Those requests for proposals shall contain terms and conditions relating to submission of proposals, evaluation and selection of proposals, financial terms, legal responsibilities, and any other matters as the entity determines to be appropriate for inclusion.

(iii) Upon receiving responses to the request for proposals, the entity may select the most qualified proposal or proposals on the basis of experience and qualifications of the proposers, the technical approach, the financial arrangements, the overall benefits to the entity and any other relevant factors determined to be appropriate.

(iv) An entity shall negotiate and enter into contracts with the person, persons, firm or firms submitting the proposal selected as the most qualified under this section.

(v) The annual rate of interest paid under any lease-purchase agreement authorized by this section shall not exceed the maximum interest rate to maturity on general obligation indebtedness permitted under Section 75-17-101.

(vi) The maximum lease-purchase term for any equipment acquired under this section shall not exceed the lesser of twenty (20) years or the average useful life of the energy conservation measures from the date the energy conservation measures have been completed and accepted by the governmental unit.

(vii) This subsection shall, with respect to the procurement of energy efficiency services and/or equipment, supersede any contradictory or conflicting provisions of Chapter 7, Title 31, Mississippi Code of 1972, and other laws with respect to awarding public contracts.

(2) (a) The division may contract with a party selected under this subsection to provide financing to entities and private "nonprofit" hospitals, to purchase energy efficiency equipment, services relating to the installation, operation and maintenance of equipment or improvements reasonably required to existing or new equipment and existing or new improvements and facilities or an energy saving performance contract, energy services contract, or lease-purchase basis. Any energy efficiency lease financing contract entered into by the division before May 15, 1992, shall be valid and binding when the contract was entered into under this subsection.

(b) The entities and private "nonprofit" hospitals that decide to contract for energy efficiency equipment, services relating to the installation, operation and maintenance of equipment or improvements reasonably required to existing or new equipment and existing or new improvements and facilities on a lease, energy services contract or lease-purchase basis, may request financial assistance from the division.

(c) The provisions of any energy efficiency lease-purchase agreements authorized under this subsection (2)

shall comply with the requirements of subsection (1)(b)(v) of this section. The term of any lease or lease-purchase agreement for energy efficiency services and/or equipment entered into under this section shall not exceed twenty (20) years, commencing on the completion of the installation of equipment or improvements under the contract.

(d) Any entity or private "nonprofit" hospital having approval of the division may borrow money in anticipation of entering into a lease-purchase agreement pursuant to subsection (2)(b) of this section. Any borrowing may be upon terms and conditions as may be agreed upon by the borrowing entity and the party advancing interim funds; however, the principal on any borrowing shall be repaid within a period of time not to exceed one hundred eighty (180) days. In borrowing money under this paragraph (d), it is not necessary to publish notice of intention to do so or to secure the consent of the qualified electors, either by election or otherwise. Any borrowing may be negotiated between the parties and is not required to be publicly bid, may be evidenced by negotiable notes or lease and shall not be considered when computing any limitation of indebtedness of the borrowing entity established by law. The principal, interest and costs of incurring any borrowing shall not exceed the principal amount of the final contract or agreement approved by the division, and accepted by the borrowing entity, under subsection (2)(b) of this section.

(e) This subsection (2) shall, with respect to the procurement of energy efficiency services and/or equipment, supersede the provisions of any contradictory or conflicting provisions of Chapter 7, Title 31, Mississippi Code of 1972, and other laws with respect to awarding public contracts.

(3) All lease-purchase agreements authorized by this section and the income from those agreements shall be exempt from all taxation within the State of Mississippi, except gift, transfer and inheritance taxes.

(4) (a) An entity may contract for energy efficiency equipment services relating to the installation, operation or maintenance of equipment or improvements reasonably required to existing or new equipment and existing or new improvements and facilities on a shared-savings basis or performance basis.

(b) If an entity decides to enter into a contract for energy efficiency equipment, services relating to the installation, operation or maintenance of equipment or improvements reasonably required to existing or new equipment and existing or new improvements and facilities on a shared-savings basis or performance basis, the entity shall issue a request for proposals or a request for qualifications, as determined necessary by the division, in the same manner as prescribed under subsection (1)(b) of this section. The entity shall notify the division in writing of its intention to issue a request for proposals or a request for qualifications.

(c) The terms of any shared-savings contract, energy services contract, or energy performance contract entered into under this section may not exceed twenty (20) years, commencing on the completion of the installation of equipment or improvements under the contract.

(d) The terms of any shared-savings or energy performance contract entered into under this section must contain a guarantee of savings clause from the company providing energy efficiency equipment services relating to the installation, operation and maintenance of equipment or improvements reasonably required to existing or new equipment and existing or new improvements and facilities.

(5) (a) By March 1 and September 1 of each year, each entity that enters into an energy performance contract or shared-savings contract shall report to the division its energy usage by meter in dollars and consumption by fuel type for the previous six-month period determined by the division.

(b) The division shall remove qualified status of an energy services provider that fails to meet the reporting requirements of paragraph (a) of this subsection after two (2) such violations.

(c) Any costs associated with the reporting made under this subsection (5) shall be paid by the energy services provider.

(6) The contract may be construed to provide flexibility to public agencies in structuring agreements entered into hereunder so that economic benefits may be maximized.

(7) This section shall stand repealed on July 1, * * * 2021.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2885

Description: Growth and Prosperity Act; extend cut-off date for tax exemptions under.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/21	(S) Referred To Finance
2	02/05	(S) Title Suff Do Pass
3	02/06	(S) Passed {Vote}
4	02/07	(S) Transmitted To House
5	02/19	(H) Referred To Ways and Means
6	03/05	(H) Title Suff Do Pass
7	03/07	(H) Passed {Vote}
8	03/11	(H) Returned For Enrolling
9	03/14	(S) Enrolled Bill Signed
10	03/15	(H) Enrolled Bill Signed
11	03/21	Approved by Governor

Code Section: A 057-0080-0009

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Clarke

Title: AN ACT TO AMEND SECTION 57-80-9, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL DECEMBER 31, 2033, THE CUT-OFF DATE FOR STATE AND LOCAL TAX EXEMPTIONS FOR BUSINESS ENTERPRISES UNDER THE GROWTH AND PROSPERITY ACT; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2885

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Clarke To: Finance

SENATE BILL NO. 2885

AN ACT TO AMEND SECTION 57-80-9, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL DECEMBER 31, 2033, THE CUT-OFF DATE FOR STATE AND LOCAL TAX EXEMPTIONS FOR BUSINESS ENTERPRISES UNDER THE GROWTH AND PROSPERITY ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-80-9, Mississippi Code of 1972, is amended as follows:

57-80-9. (1) Upon the issuance by the MDA of its certificate of public convenience and necessity, designating certain counties as growth and prosperity counties, any approved business enterprise in any such a growth and prosperity county or any approved business enterprise located within an eligible supervisors district within eight (8) miles of the boundary of the county that meets the criteria of Section 57-80-7(1)(b) shall be exempt from all local taxes levied by the county and all state taxes for a period of ten (10) years or until December 31, 2029, whichever occurs first, and upon consent of any municipality within such county or within such supervisors district and not more than eight (8) miles from the boundary of the county that

meets the criteria of Section 57-80-7(1)(b), shall be exempt from all local taxes levied by such municipality for a period of ten (10) years or until December 31, * * * 2033, whichever occurs first; however, if the business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business enterprise is unable to utilize the exemption from state taxes, the MDA may extend the duration of the exemption from state taxes for not more than two (2) years or until December 31, * * * 2033, whichever occurs first. Any business enterprise that has property or equipment purchased utilizing the state tax exemption that is damaged or destroyed as a result of the disaster may purchase replacement equipment and component building materials exempt from sales and use tax.

(2) The following conditions, along with any other conditions the MDA shall promulgate from time to time by rule or regulation, shall apply to such exemptions: (a) any exemption provided under this chapter is nontransferable and cannot be applied, used or assigned to any other person or business or tax account; (b) no approved business enterprise may claim or use the exemption granted under this chapter unless that enterprise is in full compliance with all state and local tax laws, and related ordinances and resolutions; and (c) the approved business enterprise must enter into an agreement with the MDA which sets out, at a minimum the performance requirements of the approved

business enterprise during the term of the exemption and provisions for the recapture of all or a portion of the taxes exempted if the performance requirements of the approved business enterprise are not met.

(3) Upon entering into such an agreement, the MDA shall forward such agreement to the Department of Revenue and the affected local taxing authorities so that the exemption can be implemented. The Department of Revenue shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation of both local and state exemptions granted under this chapter.

(4) Any business enterprise that relocates its present operation and jobs to a growth and prosperity county or an eligible supervisors district and not more than eight (8) miles from the boundary of the county that meets the criteria of Section 57-80-7(1)(b) from another county in the state shall not receive any of the exemptions granted in this chapter.

(5) If the annualized unemployment rate in a growth and prosperity county falls below one hundred fifty percent (150%) of the state's annualized unemployment rate for three (3) consecutive calendar years and less than thirty percent (30%) of the population of the county is at or below the federal poverty level according to the most recent official data compiled by the United States Census Bureau as of December 31 of the third of such consecutive calendar years, the tax exemptions authorized under

this chapter may not be granted to additional business enterprises.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

Senate Bill 2892

Description: Community hospitals; revise provisions regarding service area and proposed sale of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Public Health and Welfare
2	02/05	(S) Title Suff Do Pass
3	02/12	(S) Passed {Vote}
4	02/13	(S) Transmitted To House
5	02/19	(H) Referred To Public Health and Human Services
6	02/27	(H) Title Suff Do Pass As Amended
7	03/11	(H) Amended
8	03/11	(H) Passed As Amended {Vote}
9	03/12	(H) Returned For Concurrence
10	03/19	(S) Concurred in Amend From House {Vote}
11	03/22	(S) Enrolled Bill Signed
12	03/25	(H) Enrolled Bill Signed
13	03/29	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2892

Code Section: A 041-0013-0010, A 041-0013-0015

----- Additional Information -----

Senate Committee: Public Health and Welfare
House Committee: Public Health and Human Services

Principal Author: Wiggins
Additional Authors: DeBar, Jordan

Title: AN ACT TO AMEND SECTION 41-13-10, MISSISSIPPI CODE OF 1972, TO AMEND THE DEFINITION OF A COMMUNITY HOSPITAL SERVICE AREA

TO INCLUDE AREAS OUTSIDE OF THE STATE; TO AMEND SECTION 41-13-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT WHEN AN OWNER OF A COMMUNITY HOSPITAL WISHES TO SELL THE HOSPITAL OR LEASE THE HOSPITAL WITH AN OPTION TO SELL IT, A PETITION REQUESTING AN ELECTION ON THE QUESTION OF WHETHER THE OWNER SHOULD PROCEED WITH THE PROCESS OF SEEKING PROPOSALS FOR THE SALE OR LEASE OF THE HOSPITAL MAY BE FILED WITH THE CLERK OF THE OWNER; TO PROVIDE THAT IF LESS THAN A MAJORITY OF THE VOTERS IN THE ELECTION VOTE IN FAVOR OF THE QUESTION, THEN THE OWNER IS NOT AUTHORIZED TO SELL OR LEASE THE HOSPITAL; TO PROVIDE THAT IF A MAJORITY OF THE VOTERS IN THE ELECTION VOTE IN FAVOR OF THE QUESTION, OR IF NO SUCH PETITION REQUESTING AN ELECTION IS TIMELY FILED WITH THE CLERK, THEN THE OWNER MAY SEEK PROPOSALS FOR THE SALE OR LEASE OF THE HOSPITAL AND MAY SELL OR LEASE THE HOSPITAL TO THE RESPONDENT SUBMITTING THE HIGHEST AND BEST PROPOSAL AFTER PUBLISHING NOTICE; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2892

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Senator(s) Wiggins, DeBar, Jordan — To: Public Health and Welfare

SENATE BILL NO. 2892
(As Sent to Governor)

AN ACT TO AMEND SECTION 41-13-10, MISSISSIPPI CODE OF 1972, TO AMEND THE DEFINITION OF A COMMUNITY HOSPITAL SERVICE AREA TO INCLUDE AREAS OUTSIDE OF THE STATE; TO AMEND SECTION 41-13-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT WHEN AN OWNER OF A COMMUNITY HOSPITAL WISHES TO SELL THE HOSPITAL OR LEASE THE HOSPITAL WITH AN OPTION TO SELL IT, A PETITION REQUESTING AN ELECTION ON THE QUESTION OF WHETHER THE OWNER SHOULD PROCEED WITH THE PROCESS OF SEEKING PROPOSALS FOR THE SALE OR LEASE OF THE HOSPITAL MAY BE FILED WITH THE CLERK OF THE OWNER; TO PROVIDE THAT IF LESS THAN A MAJORITY OF THE VOTERS IN THE ELECTION VOTE IN FAVOR OF THE QUESTION, THEN THE OWNER IS NOT AUTHORIZED TO SELL OR LEASE THE HOSPITAL; TO PROVIDE THAT IF A MAJORITY OF THE VOTERS IN THE ELECTION VOTE IN FAVOR OF THE QUESTION, OR IF NO SUCH PETITION REQUESTING AN ELECTION IS TIMELY FILED WITH THE CLERK, THEN THE OWNER MAY SEEK PROPOSALS FOR THE SALE OR LEASE OF THE HOSPITAL AND MAY SELL OR LEASE THE HOSPITAL TO THE RESPONDENT SUBMITTING THE HIGHEST AND BEST PROPOSAL AFTER PUBLISHING NOTICE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-13-10, Mississippi Code of 1972, is amended as follows:

41-13-10. For purposes of Sections 41-13-10 through 41-13-47, the following words shall have the meanings ascribed herein, unless the context otherwise requires:

(a) "Administrator" shall mean the chief administrative official and executive officer of a community hospital selected by the board of trustees of such community hospital.

(b) "Board of trustees" shall mean the board appointed pursuant to Section 41-13-29, to operate a community hospital.

(c) "Community hospital" shall mean any hospital, nursing home and/or related health facilities or programs, including, without limitation, ambulatory surgical facilities, intermediate care facilities, after-hours clinics, home health agencies and rehabilitation facilities, established and acquired by boards of trustees or by one or more owners which is governed, operated and maintained by a board of trustees.

(d) "Owner" shall mean any board of supervisors of any county having an ownership interest in any community hospital or leased facility on behalf of the county or on behalf of any supervisors district, judicial district or election district of the county and shall also mean any governing council or board of any municipality having an ownership interest in any community hospital or leased facility.

(e) "Leased facility" shall mean a hospital, nursing home or related health facilities which an owner has leased to an individual, partnership, corporation, other owner or board of trustees for a term not in excess of fifty (50) years, conditioned upon the facility continuing to operate on a nonprofit basis. A leased facility shall not be deemed or considered to be a

community hospital except for purposes of Sections 41-13-19 through 41-13-25, and shall not be subject to the statutory requirements placed on community hospitals except to the extent as may be specifically required by the terms of the applicable lease agreement. However, in situations where another community hospital, acting through its board of trustees, is the lessee of a leased facility, the leased facility shall remain subject to this chapter and other laws applicable to community hospitals, except that the owners of the lessee shall have sole authority to appoint the board of trustees for the leased facility, which shall be the same board of trustees as appointed under Section 41-13-29 for the lessee community hospital.

(f) "Service area" means that area in which a community hospital may provide services and perform the activities in Section 41-13-35(5), as determined by a board of trustees by its patient origin studies, and may include areas outside of the State of Mississippi.

SECTION 2. Section 41-13-15, Mississippi Code of 1972, is amended as follows:

41-13-15. (1) Any county and/or any political or judicial subdivision of a county and/or any municipality of the State of Mississippi, acting individually or jointly, may acquire and hold real estate for a community hospital either recognized and/or licensed as such by either the State of Mississippi or the United States Government, and may, after complying with applicable health

planning and licensure statutes, construct a community hospital thereon and/or appropriate funds according to the provisions of this chapter for the construction, remodeling, maintaining, equipping, furnishing and expansion of such facilities by the board of trustees upon such real estate.

(2) Where joint ownership of a community hospital is involved, the owners are hereby authorized to contract with each other for determining the pro rata ownership of such community hospital, the proportionate cost of maintenance and operation, and the proportionate financing that each will contribute to the community hospital.

(3) The owners may likewise contract with each other, or on behalf of any subordinate political or judicial subdivision, or with the board of trustees of a community hospital, and/or any agency of the State of Mississippi or the United States Government, for necessary purposes related to the establishment, operation or maintenance of community hospitals and related programs wherever located, and may either accept from, sell or contribute to the other entities, monies, personal property or existing health facilities. The owners or the board of trustees may also receive monies, property or any other valuables of any kind through gifts, donations, devises or other recognized means from any source for the purpose of hospital use.

(4) Owners and boards of trustees, acting jointly or severally, may acquire and hold real estate for offices for

physicians and other health care practitioners and related health care or support facilities, provided that any contract for the purchase of real property must be ratified by the owner, and may thereon construct and equip, maintain and remodel or expand such offices and related facilities, and the board of trustees may lease same to members of the hospital staff or others at a rate deemed to be in the best interest of the community hospital.

(5) If any political or judicial subdivision of a county is obligated hereunder, the boundaries of such district shall not be altered in such a manner as to relieve any portion thereof of its obligation hereunder.

(6) Owners may convey to any other owner any or all property, real or personal, comprising any existing community hospital, including related facilities, wherever located, owned by such conveying owner. Such conveyance shall be upon such terms and conditions as may be agreed upon and may make such provisions for transfers of operating funds and/or for the assumption of liabilities of the community hospital as may be deemed appropriate by the respective owners.

(7) (a) Except as provided for in subsection (11) of this section, owners may lease all or part of the property, real or personal, comprising a community hospital, including any related facilities, wherever located, and/or assets of such community hospital, to any individual, partnership or corporation, whether operating on a nonprofit basis or on a profit basis, or to the

board of trustees of such community hospital or any other owner or board of trustees, subject to the applicable provisions of subsections (8), (9) and (10) of this section. The term of such lease shall not exceed fifty (50) years. Such lease shall be conditioned upon (i) the leased facility continuing to operate in a manner safeguarding community health interests; (ii) the proceeds from the lease being first applied against such bonds, notes or other evidence of indebtedness as are issued pursuant to Section 41-13-19 as and when they are due, provided that the terms of the lease shall cover any indebtedness pursuant to Section 41-13-19; and (iii) any surplus proceeds from the lease being deposited in the general fund of the owner, which proceeds may be used for any lawful purpose. Such lease shall be subject to the express approval of the board of trustees of the community hospital, except in the case where the board of trustees of the community hospital will be the lessee. However, owners may not lease any community hospital to the University of Mississippi Medical Center unless first the University of Mississippi Medical Center has obtained authority to lease such hospital under specific terms and conditions from the Board of Trustees of State Institutions of Higher Learning.

If the owner wishes to lease a community hospital without an option to sell it and the approval of the board of trustees of the community hospital is required but is not given within thirty (30) days of the request for its approval by the owner, then the owner

may enter such lease as described herein on the following conditions: A resolution by the owner describing its intention to enter such lease shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper published in the county or city, as the case may be, or if none be so published, in a newspaper having a general circulation therein. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed in such resolution for the lease of the community hospital and the last publication shall be made not more than seven (7) days prior to such date. If, on or prior to the date fixed in such resolution for the lease of the community hospital, there shall be filed with the clerk of the owner a petition signed by twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified voters of such owner, requesting that an election be called and held on the question of the lease of the community hospital, then it shall be the duty of the owner to call and provide for the holding of an election as petitioned for. In such case, no such lease shall be entered into unless authorized by the affirmative vote of the majority of the qualified voters of such owner who vote on the proposition at such election. Notice of such election shall be given by publication in like manner as hereinabove provided for the publication of the initial resolution. Such election shall be conducted and the return thereof made, canvassed and declared as nearly as may be in like manner as is now or may hereafter be

provided by law in the case of general elections in such owner. If, on or prior to the date fixed in the owner's resolution for the lease of the community hospital, no such petition as described above is filed with the clerk of the owner, then the owner may proceed with the lease subject to the other requirements of this section. Subject to the above conditions, the lease agreement shall be upon such terms and conditions as may be agreed upon and may make such provision for transfers of tangible and intangible personal property and operating funds and/or for the assumption of liabilities of the community hospital and for such lease payments, all as may be deemed appropriate by the owners.

(b) Owners may sell and convey all or part of the property, real or personal, comprising a community hospital, including any related facilities, wherever located, and/or assets of such community hospital, to any individual, partnership or corporation, whether operating on a nonprofit basis or on a profit basis, or to the board of trustees of such community hospital or any other owner or board of trustees, subject to the applicable provisions of subsections (8) and (10) of this section. Such sale and conveyance shall be upon such terms and conditions as may be agreed upon by the owner and the purchaser that are consistent with the requirements of this section, and the parties may make such provisions for the transfer of operating funds or for the assumption of liabilities of the facility, or both, as they deem appropriate. However, such sale and conveyance shall be

conditioned upon (i) the facility continuing to operate in a manner safeguarding community health interests; (ii) the proceeds from such sale being first applied against such bonds, notes or other evidence of indebtedness as are issued pursuant to Section 41-13-19 as and when they are due, provided that the terms of the sale shall cover any indebtedness pursuant to Section 41-13-19; and (iii) any surplus proceeds from the sale being deposited in the general fund of the owner, which proceeds may be used for any lawful purpose. However, owners may not sell or convey any community hospital to the University of Mississippi Medical Center unless first the University of Mississippi Medical Center has obtained authority to purchase such hospital under specific terms and conditions from the Board of Trustees of State Institutions of Higher Learning.

(8) Whenever any owner decides that it may be in its best interests to sell or lease a community hospital as provided for under subsection (7) of this section, the owner shall first contract with a certified public accounting firm, a law firm or competent professional health care or management consultants to review the current operating condition of the community hospital. The review shall consist of, at minimum, the following:

(a) A review of the community's inpatient facility needs based on current workload, historical trends and projections, based on demographic data, of future needs.

(b) A review of the competitive market for services, including other hospitals which serve the same area, the services provided and the market perception of the competitive hospitals.

(c) A review of the hospital's strengths relative to the competition and its capacity to compete in light of projected trends and competition.

(d) An analysis of the hospital's options, including service mix and pricing strategies. If the study concludes that a sale or lease should occur, the study shall include an analysis of which option would be best for the community and how much revenues should be derived from the lease or sale.

(9) After the review and analysis under subsection (8) of this section, an owner may choose to sell or lease the community hospital. If an owner chooses to sell such hospital or lease the hospital with an option to sell it, the owner shall follow the procedure specified in subsection (10) of this section. If an owner chooses to lease the hospital without an option to sell it, it shall first spread upon its minutes why such a lease is in the best interests of the persons living in the area served by the facility to be leased, and it shall make public any and all findings and recommendations made in the review required under proposals for the lease, which shall state clearly the minimum required terms of all respondents and the evaluation process that will be used when the owner reviews the proposals. The owner shall lease to the respondent submitting the highest and best

proposal. In no case may the owner deviate from the process provided for in the request for proposals.

(10) If an owner wishes to sell such community hospital or lease the hospital with an option to sell it, the owner first shall conduct a public hearing on the issue of the proposed sale or lease with an option to sell the hospital. Notice of the date, time, location and purpose of the public hearing shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper published in the county or city, as the case may be, or if none be so published, in a newspaper having a general circulation therein. The first publication of the notice shall be made not less than twenty-one (21) days before the date of the public hearing and the last publication shall be made not more than seven (7) days before that date. If there is filed with the clerk of the owner not more than twenty-one (21) days after the date of the public hearing, * * * a petition signed by twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified voters of the owner, requesting that an election be called and held on the question of whether the owner should proceed with the process of seeking proposals for the sale or lease with an option to sell the hospital, then it shall be the duty of the owner to call and provide for the holding of an election as petitioned for. Notice of the election shall be given by publication in the same manner as provided for the publication of the notice of the public hearing. The election shall be

conducted and the return thereof made, canvassed and declared in the same manner as provided by law in the case of general elections in the owner. If less than a majority of the qualified voters of the owner who vote on the proposition at such election vote in favor of the owner proceeding with the process of seeking proposals for the sale or lease with an option to sell the hospital, then the owner is not authorized to sell or lease the hospital. If a majority of the qualified voters of the owner who vote on the proposition at such election vote in favor of the owner proceeding with the process of seeking proposals for the sale or lease with an option to sell the hospital, then the owner may seek proposals for the sale or lease of the hospital. If no such petition is timely filed with the clerk of the owner, then the owner may proceed with the process of seeking proposals for the sale or lease with an option to sell the hospital. The owner shall adopt a resolution describing its intention to sell or lease with an option to sell the hospital, which shall include the owner's reasons why such a sale or lease is in the best interests of the persons living in the area served by the facility to be sold or leased. The owner then shall publish a copy of the resolution; the requirements for proposals for the sale or lease with an option to sell the hospital, which shall state clearly the minimum required terms of all respondents and the evaluation process that will be used when the owner reviews the proposals; and the date proposed by the owner for the sale or lease with an

option to sell the hospital. Such publication shall be made once a week for at least three (3) consecutive weeks in at least one (1) newspaper published in the county or city, as the case may be, or if none be so published, in a newspaper having a general circulation therein. The first publication of the notice shall be made not less than twenty-one (21) days before the date proposed for the sale or lease with an option to sell the hospital and the last publication shall be made not more than seven (7) days before that date. * * * After receiving proposals, such sale or lease shall be made to the respondent submitting the highest and best proposal. In no case may the owner deviate from the process provided for in the request for proposals.

(11) A lessee of a community hospital, under a lease entered into under the authority of Section 41-13-15, in effect prior to July 15, 1993, or an affiliate thereof, may extend or renew such lease whether or not an option to renew or extend the lease is contained in the lease, for a term not to exceed fifteen (15) years, conditioned upon (a) the leased facility continuing to operate in a manner safeguarding community health interest; (b) proceeds from the lease being first applied against such bonds, notes or other evidence of indebtedness as are issued pursuant to Section 41-13-19; (c) surplus proceeds from the lease being used for health related purposes; (d) subject to the express approval of the board of trustees of the community hospital; and (e) subject to the express approval of the owner. If no board of

trustees is then existing, the owner shall have the right to enter into a lease upon such terms and conditions as agreed upon by the parties. Any lease entered into under this subsection (11) may contain an option to purchase the hospital, on such terms as the parties shall agree.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2898

Description: Memorial highways; designate various segments of highways as.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S)	Referred To Highways and Transportation
2	02/05	(S)	Title Suff Do Pass Comm Sub
3	02/07	(S)	Committee Substitute Adopted
4	02/07	(S)	Passed {Vote}
5	02/08	(S)	Transmitted To House
6	02/19	(H)	Referred To Transportation
7	02/27	(H)	Title Suff Do Pass
8	03/12	(H)	Passed {Vote}
9	03/12	(H)	Motion to Reconsider Entered (Carpenter, Busby, Massengill)
10	03/13	(H)	Reconsidered
11	03/13	(H)	Amended
12	03/13	(H)	Passed As Amended {Vote}
13	03/14	(H)	Returned For Concurrence
14	03/19	(S)	Concurred in Amend From House {Vote}
15	03/21	(S)	Enrolled Bill Signed
16	03/21	(H)	Enrolled Bill Signed
17	03/28		Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2898

----- Additional Information -----

Senate Committee: Highways and Transportation
House Committee: Transportation

Principal Author: Bryan
Additional Authors: Simmons (13th)

Title: AN ACT TO DESIGNATE A PORTION OF MISSISSIPPI HIGHWAY 25 IN ABERDEEN, MONROE COUNTY, MISSISSIPPI, AS THE "THOMAS LEE BALES MEMORIAL HIGHWAY"; TO DESIGNATE A PORTION OF UNITED STATES HIGHWAY 51 IN DUCK HILL, MONTGOMERY COUNTY, MISSISSIPPI, AS THE "LUCIE E. CAMPBELL MEMORIAL HIGHWAY"; TO DESIGNATE A PORTION OF UNITED STATES HIGHWAY 61 IN SHAW, BOLIVAR COUNTY, MISSISSIPPI, AS THE "ANDREW AND MARY LOU HAWKINS MEMORIAL HIGHWAY"; TO DESIGNATE A PORTION OF UNITED STATES HIGHWAY 72 IN TISHOMINGO COUNTY AS THE "MAYOR JOHNNY BIGGS MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Bryan, Simmons (13th)

To: Highways and Transportation

SENATE BILL NO. 2898
(As Sent to Governor)

AN ACT TO DESIGNATE A PORTION OF MISSISSIPPI HIGHWAY 25 IN ABERDEEN, MONROE COUNTY, MISSISSIPPI, AS THE "THOMAS LEE BALES MEMORIAL HIGHWAY"; TO DESIGNATE A PORTION OF UNITED STATES HIGHWAY 51 IN DUCK HILL, MONTGOMERY COUNTY, MISSISSIPPI, AS THE "LUCIE E. CAMPBELL MEMORIAL HIGHWAY"; TO DESIGNATE A PORTION OF UNITED STATES HIGHWAY 61 IN SHAW, BOLIVAR COUNTY, MISSISSIPPI, AS THE "ANDREW AND MARY LOU HAWKINS MEMORIAL HIGHWAY"; TO DESIGNATE A PORTION OF UNITED STATES HIGHWAY 72 IN TISHOMINGO COUNTY AS THE "MAYOR JOHNNY BIGGS MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) That portion of Mississippi Highway 25 from the city limits of Aberdeen, Monroe County, Mississippi, to Highway 382, is designated and shall be known as the "Thomas Lee Bales Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

SECTION 2. (1) That portion of United States Highway 51 within the city limits of Duck Hill, Montgomery County, Mississippi, is designated and shall be known as the "Lucie E. Campbell Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

SECTION 3. (1) That portion of United States Highway 61 within the city limits of Shaw, Bolivar County, Mississippi, is designated and shall be known as the "Andrew and Mary Lou Hawkins Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

SECTION 4. (1) That portion of United States Highway 72 within the corporate limits of the City of Iuka, Tishomingo County, Mississippi, is designated and shall be known as the "Mayor Johnny Biggs Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

SECTION 5. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2900

Description: Memorial highway; designate portion of Highway 16 in Neshoba County for Carson W. Bounds.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/21	(S) Referred To Highways and Transportation
2	02/05	(S) Title Suff Do Pass Comm Sub
3	02/07	(S) Committee Substitute Adopted
4	02/07	(S) Passed {Vote}
5	02/08	(S) Transmitted To House
6	02/19	(H) Referred To Transportation
7	02/27	(H) Title Suff Do Pass
8	03/12	(H) Passed {Vote}
9	03/13	(H) Returned For Enrolling
10	03/19	(S) Enrolled Bill Signed
11	03/19	(H) Enrolled Bill Signed
12	03/22	Approved by Governor

----- Additional Information -----

Senate Committee: Highways and Transportation
House Committee: Transportation

Principal Author: Branning

Title: AN ACT TO DESIGNATE A PORTION OF MISSISSIPPI HIGHWAY 16 IN NESHOBA COUNTY, MISSISSIPPI, AS THE "CARSON W. BOUNDS MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2900

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Senator(s) Branning — To: Highways and Transportation

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2900

AN ACT TO DESIGNATE A PORTION OF MISSISSIPPI HIGHWAY 16 IN NESHOBA COUNTY, MISSISSIPPI, AS THE "CARSON W. BOUNDS MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) That portion of Mississippi Highway 16 in Neshoba County, Mississippi, beginning at its intersection with Mississippi Highway 482 and extending eastward to its intersection with Mississippi Highway 491, is designated and shall be known as the "Carson W. Bounds Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

Senate Bill 2901

Description: Landowners Protection Act; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Business and Financial Institutions
2	02/01	(S) Title Suff Do Pass Comm Sub
3	02/07	(S) Committee Substitute Adopted
4	02/07	(S) Passed {Vote}
5	02/07	(S) Motion to Reconsider Entered
6	02/11	(S) Motion to Reconsider Tabled {Vote}
7	02/11	(S) Transmitted To House
8	02/19	(H) Referred To Judiciary A
9	02/19	(H) Title Suff Do Pass As Amended
10	02/21	(H) Read the Third Time
11	02/25	(H) Amended
12	02/25	(H) Passed As Amended {Vote}
13	02/25	(H) Motion to Reconsider Entered (Baker, Tullos)
14	02/28	(H) Reconsidered
15	02/28	(H) Amended
16	02/28	(H) Passed As Amended {Vote}
17	02/28	(H) Motion to Reconsider Entered (Banks, Baker, Tullos)
18	03/04	(H) Motion to Reconsider Tabled
19	03/05	(H) Returned For Concurrence
20	03/19	(S) Concurred in Amend From House {Vote}
21	03/22	(S) Enrolled Bill Signed
22	03/25	(H) Enrolled Bill Signed
23	03/29	Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)Lost{Vote}

[S] Amendment No 2 (Cmte Sub)Lost{Vote}
[S] Amendment No 3 (Cmte Sub)Lost{Vote}
[H] Committee Amendment No 1Tabled
[H] Amendment No 2 ***Adopted*** Voice Vote
[H] Amendment No 1 to Amendment No 2 ***Adopted*** Voice Vote
[H] Amendment No 2 to Amendment No 2Lost{Vote}
Amendment Report for Senate Bill No. 2901

Code Section: A 085-0005-0007

----- Additional Information -----

Senate Committee: Business and Financial Institutions
House Committee: Judiciary A

Principal Author: Harkins
Additional Authors: Blackwell, Gollott, Caughman, Michel, Clarke, Jackson (15th), Branning, Parks, Kirby, Carmichael, Seymour, Carter, Doty, Parker, Watson, Whaley, Wilemon, Moran, Hill, Browning, Massey, Hudson

Title: AN ACT TO CREATE THE LANDOWNERS PROTECTION ACT; TO REGULATE LIABILITY OF LANDOWNERS WHEN AN INVITEE IS INJURED ON THE LANDOWNER'S PROPERTY; TO AMEND SECTION 85-5-7, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF "FAULT" REGARDING JOINT AND SEVERAL LIABILITY; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2901

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2019

By: Senator(s) Harkins, Blackwell, Gollott, Caughman, Michel, Clarke, Jackson (15th), Branning, Parks, Kirby, Carmichael, Seymour, Carter, Doty, Parker, Watson, Whaley, Wilemon, Moran, Hill, Browning, Massey, Hudson

To: Business and Financial Institutions

SENATE BILL NO. 2901
(As Sent to Governor)

AN ACT TO CREATE THE LANDOWNERS PROTECTION ACT; TO REGULATE LIABILITY OF LANDOWNERS WHEN AN INVITEE IS INJURED ON THE LANDOWNER'S PROPERTY; TO AMEND SECTION 85-5-7, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF "FAULT" REGARDING JOINT AND SEVERAL LIABILITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) This section shall be known and may be cited as the "Landowners Protection Act."

(2) For any premises-liability actions brought under the laws of the State of Mississippi, no person who owns, leases, operates, maintains, or manages commercial or other real property in the State of Mississippi and no director, officer, employee, agent or independent contractor acting on behalf of any such person shall be civilly liable to any invitee who is injured on said property as the result of the willful, wanton or intentional tortious conduct of any third party who is not a director, officer, employee or agent of the person who owns, leases, operates, maintains or manages such commercial or other real

property unless the injured party can prove by a preponderance of the evidence that:

(a) The conduct of said third party occurred on the property;

(b) The conduct of the person who owns, leases, operates, maintains or manages the property actively and affirmatively, with a degree of conscious decision-making, impelled the conduct of said third party; and

(c) The third party's conduct proximately caused the economic and noneconomic damages suffered by the injured party.

(3) For any civil actions brought under the laws of the State of Mississippi for the purpose of alleging liability for the injury of an invitee as described in subsection (2) of this section, an atmosphere of violence shall only be established by similar violent conduct:

(a) Which occurred three (3) or more times within three (3) years before the third party act at issue;

(b) Which took place only on the commercial or other real property where the acts of the third party occurred; and

(c) Which are based upon three (3) or more separate events or incidents that resulted in three (3) or more arraignments of an individual for a felony involving an act of violence.

(4) For any civil actions brought under the laws of the State of Mississippi for the purpose of alleging liability for the

injury of an invitee as described in subsection (2) of this section, civil liability may not be based on the prior violent nature of the third party whose acts or omissions proximately caused the claimed injury or damage unless the person who owns, leases, operates, maintains or manages the property has actual, not constructive, knowledge of the prior violent nature of said third party.

(5) If any provision of this section or its application to any person or circumstance is held unconstitutional or otherwise invalid, the remainder of this section or the application of the provision to other persons or circumstances is not affected.

(6) Nothing in this section shall be construed to alter the provisions of Section 97-3-15.

(7) For purposes of this section, "premises-liability action" means a civil action based upon the duty owed to someone injured on a landowner's premises as a result of conditions or activities on the land.

SECTION 2. Section 85-5-7, Mississippi Code of 1972, is amended as follows:

85-5-7. (1) As used in this section, "fault" means an act or omission of a person which is a proximate cause of injury or death to another person or persons, damages to property, tangible or intangible, or economic injury, including, but not limited to, negligence, malpractice, strict liability, absolute liability or failure to warn. Except as otherwise provided in this subsection

(1), "fault" shall *not* include any tort which results from an act or omission committed with a specific wrongful intent. For any premises-liability action, as defined under Section 1(7) of this act, alleging injury as a result of the willful, wanton or intentional tortious conduct of a third party on commercial or other real property in the State of Mississippi, "fault" shall include any tort which results from an act or omission committed with a specific wrongful intent.

(2) Except as otherwise provided in subsection (4) of this section, in any civil action based on fault, the liability for damages caused by two (2) or more persons shall be several only, and not joint and several and a joint tortfeasor shall be liable only for the amount of damages allocated to him in direct proportion to his percentage of fault. In assessing percentages of fault an employer and the employer's employee or a principal and the principal's agent shall be considered as one (1) defendant when the liability of such employer or principal has been caused by the wrongful or negligent act or omission of the employee or agent.

(3) Nothing in this section shall eliminate or diminish any defenses or immunities which currently exist, except as expressly noted herein.

(4) Joint and several liability shall be imposed on all who consciously and deliberately pursue a common plan or design to commit a tortious act, or actively take part in it. Any person

held jointly and severally liable under this section shall have a right of contribution from his fellow defendants acting in concert.

(5) In actions involving joint tortfeasors, the trier of fact shall determine the percentage of fault for each party alleged to be at fault without regard to whether the joint tortfeasor is immune from damages. Fault allocated under this subsection to an immune tortfeasor or a tortfeasor whose liability is limited by law shall not be reallocated to any other tortfeasor.

(6) Nothing in this section shall be construed to create a cause of action. Nothing in this section shall be construed, in any way, to alter the immunity of any person.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2916

Description: Judicial offices; change qualifying deadline to March 1.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Elections
2	01/31	(S) Title Suff Do Pass
3	02/07	(S) Passed {Vote}
4	02/08	(S) Transmitted To House
5	02/19	(H) Referred To Apportionment and Elections
6	03/04	(H) Title Suff Do Pass
7	03/12	(H) Passed {Vote}
8	03/13	(H) Returned For Enrolling
9	03/19	(S) Enrolled Bill Signed
10	03/19	(H) Enrolled Bill Signed
11	03/22	Approved by Governor

Code Section: A 023-0015-0977

----- Additional Information -----

Senate Committee: Elections
House Committee: Apportionment and Elections

Principal Author: Blackwell

Title: AN ACT TO AMEND SECTION 23-15-977, MISSISSIPPI CODE OF 1972, TO MOVE THE QUALIFYING DEADLINE FOR JUDICIAL OFFICES FROM MAY TO MARCH; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2916

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Blackwell To: Elections

SENATE BILL NO. 2916

AN ACT TO AMEND SECTION 23-15-977, MISSISSIPPI CODE OF 1972, TO MOVE THE QUALIFYING DEADLINE FOR JUDICIAL OFFICES FROM MAY TO MARCH; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 23-15-977, Mississippi Code of 1972, is amended as follows:

23-15-977. (1) Except as otherwise provided in this section, all candidates for judicial office as defined in Section 23-15-975 of this subarticle shall file their intent to be a candidate with the proper officials and pay the proper assessment by not later than 5:00 p.m. on * * * March 1 of the year in which the general election for the judicial office * * * is held. If March 1 occurs on a Saturday, Sunday or legal holiday, candidates shall file their intent to be a candidate and pay the proper assessment by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday. Candidates shall pay to the proper officials the following amounts:

(a) Candidates for Supreme Court judge and Court of Appeals, the sum of Two Hundred Dollars ($200.00).

(b) Candidates for circuit judge and chancellor, the sum of One Hundred Dollars ($100.00).

(c) Candidates for county judge and family court judge, the sum of Fifteen Dollars ($15.00).

Candidates for judicial office may not file their intent to be a candidate and pay the proper assessment before January 1 of the year in which the election for the judicial office is held.

(2) Candidates for judicial offices listed in paragraphs (a) and (b) of subsection (1) of this section shall file their intent to be a candidate with, and pay the proper assessment made pursuant to subsection (1) of this section to, the State Board of Election Commissioners.

(3) Candidates for judicial offices listed in paragraph (c) of subsection (1) of this section shall file their intent to be a candidate with, and pay the proper assessment made pursuant to subsection (1) of this section to, the circuit clerk of the proper county. The circuit clerk shall notify the county election commissioners of all persons who have filed their intent to be a candidate with, and paid the proper assessment to, such clerk. The notification shall occur within two (2) business days and shall contain all necessary information.

(4) If only one (1) person files his or her intent to be a candidate for a judicial office and that person later dies,

resigns or is otherwise disqualified from holding the judicial office after the deadline provided for in subsection (1) of this section but more than seventy (70) days before the date of the general election, the Governor, upon notification of the death, resignation or disqualification of the person, shall issue a proclamation authorizing candidates to file their intent to be a candidate for that judicial office for a period of not less than seven (7) nor more than ten (10) days from the date of the proclamation.

(5) If only one (1) person qualifies as a candidate for a judicial office and that person later dies, resigns or is otherwise disqualified from holding the judicial office within seventy (70) days before the date of the general election, the judicial office shall be considered vacant for the new term and the vacancy shall be filled as provided in by law.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2918

Description: State aircraft; Director of DFA shall ensure commercially reasonable procurement practices.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/21	(S)	Referred To Appropriations
2	02/05	(S)	Title Suff Do Pass
3	02/06	(S)	Passed {Vote}
4	02/07	(S)	Transmitted To House
5	02/21	(H)	Referred To Appropriations
6	02/27	(H)	Title Suff Do Pass
7	03/06	(H)	Passed {Vote}
8	03/06	(H)	Motion to Reconsider Entered (Bell (21st), Read, Huddleston)
9	03/07	(H)	Motion to Reconsider Tabled
10	03/07	(H)	Returned For Enrolling
11	03/11	(S)	Enrolled Bill Signed
12	03/11	(H)	Enrolled Bill Signed
13	03/15		Approved by Governor

Code Section: A 061-0013-0005, A 027-0104-0007

----- Additional Information -----

Senate Committee: Appropriations
House Committee: Appropriations

Principal Author: Hopson

Title: AN ACT TO AMEND SECTION 61-13-5, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE PROCUREMENT OF AIRCRAFT, AIRCRAFT MAINTENANCE, PARTS, EQUIPMENT AND SERVICES; TO PROVIDE THAT IT SHALL BE THE RESPONSIBILITY OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ENSURE COMMERCIALLY REASONABLE PRACTICES FOR SUCH PROCUREMENT; TO

AMEND SECTION 27-104-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PREVIOUS SECTION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Hopson To: Appropriations

SENATE BILL NO. 2918

AN ACT TO AMEND SECTION 61-13-5, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE PROCUREMENT OF AIRCRAFT, AIRCRAFT MAINTENANCE, PARTS, EQUIPMENT AND SERVICES; TO PROVIDE THAT IT SHALL BE THE RESPONSIBILITY OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ENSURE COMMERCIALLY REASONABLE PRACTICES FOR SUCH PROCUREMENT; TO AMEND SECTION 27-104-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PREVIOUS SECTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 61-13-5, Mississippi Code of 1972, is amended as follows:

61-13-5. * * * The purchase of aircraft to be used for the purpose in this chapter shall be in compliance with Sections 31-7-1 through 31-7-21. The Department of Finance and Administration is hereby exempt from the requirements of Section 27-104-7(2)(f) when procuring aircraft maintenance, parts, equipment and/or services. It shall be the responsibility of the Executive Director of the Department of Finance and Administration to ensure commercially reasonable practices, including competitive pricing and superb industry maintenance standards. The selection process of maintenance facility shall consider: their capability

and experience, the scope of work, the cost, and the length of time the aircraft will be out of service. The process undertaken by the Department of Finance and Administration for procurement of the maintenance facility shall be reported to the Public Procurement Review Board.

SECTION 2. Section 27-104-7, Mississippi Code of 1972, is amended as follows:

27-104-7. (1) (a) There is created the Public Procurement Review Board, which shall be reconstituted on January 1, 2018, and shall be composed of the following members:

(i) Three (3) individuals appointed by the Governor with the advice and consent of the Senate;

(ii) Two (2) individuals appointed by the Lieutenant Governor with the advice and consent of the Senate; and

(iii) The Executive Director of the Department of Finance and Administration, serving as an ex officio and nonvoting member.

(b) The initial terms of each appointee shall be as follows:

(i) One (1) member appointed by the Governor to serve for a term ending on June 30, 2019;

(ii) One (1) member appointed by the Governor to serve for a term ending on June 30, 2020;

(iii) One (1) member appointed by the Governor to serve for a term ending on June 30, 2021;

(iv) One (1) member appointed by the Lieutenant Governor to serve for a term ending on June 30, 2019; and

(v) One (1) member appointed by the Lieutenant Governor to serve for a term ending on June 30, 2020.

After the expiration of the initial terms, all appointed members' terms shall be for a period of four (4) years from the expiration date of the previous term, and until such time as the member's successor is duly appointed and qualified.

(c) When appointing members to the Public Procurement Review Board, the Governor and Lieutenant Governor shall take into consideration persons who possess at least five (5) years of management experience in general business, healthcare or finance for an organization, corporation or other public or private entity. Any person, or any employee or owner of a company, who receives any grants, procurements or contracts that are subject to approval under this section shall not be appointed to the Public Procurement Review Board. Any person, or any employee or owner of a company, who is a principal of the source providing a personal or professional service shall not be appointed to the Public Procurement Review Board if the principal owns or controls a greater than five percent (5%) interest or has an ownership value of One Million Dollars ($1,000,000.00) in the source's business, whichever is smaller. No member shall be an officer or employee of the State of Mississippi while serving as a voting member on the Public Procurement Review Board.

(d) Members of the Public Procurement Review Board shall be entitled to per diem as authorized by Section 25-3-69 and travel reimbursement as authorized by Section 25-3-41.

(e) The members of the Public Procurement Review Board shall elect a chair from among the membership, and he or she shall preside over the meetings of the board. The board shall annually elect a vice chair, who shall serve in the absence of the chair. No business shall be transacted, including adoption of rules of procedure, without the presence of a quorum of the board. Three (3) members shall be a quorum. No action shall be valid unless approved by a majority of the members present and voting, entered upon the minutes of the board and signed by the chair. Necessary clerical and administrative support for the board shall be provided by the Department of Finance and Administration. Minutes shall be kept of the proceedings of each meeting, copies of which shall be filed on a monthly basis with the chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the chairs of the Appropriations Committees of the Senate and House of Representatives.

(2) The Public Procurement Review Board shall have the following powers and responsibilities:

(a) Approve all purchasing regulations governing the purchase or lease by any agency, as defined in Section 31-7-1, of

commodities and equipment, except computer equipment acquired pursuant to Sections 25-53-1 through 25-53-29;

(b) Adopt regulations governing the approval of contracts let for the construction and maintenance of state buildings and other state facilities as well as related contracts for architectural and engineering services;

(c) Adopt regulations governing any lease or rental agreement by any state agency or department, including any state agency financed entirely by federal funds, for space outside the buildings under the jurisdiction of the Department of Finance and Administration. These regulations shall require each agency requesting to lease such space to provide the following information that shall be published by the Department of Finance and Administration on its website: the agency to lease the space; the terms of the lease; the approximate square feet to be leased; the use for the space; a description of a suitable space; the general location desired for the leased space; the contact information for a person from the agency; the deadline date for the agency to have received a lease proposal; any other specific terms or conditions of the agency; and any other information deemed appropriate by the Division of Real Property Management of the Department of Finance and Administration or the Public Procurement Review Board. The information shall be provided sufficiently in advance of the time the space is needed to allow the Division of Real Property Management of the Department of

Finance and Administration to review and preapprove the lease before the time for advertisement begins;

(d) Adopt, in its discretion, regulations to set aside at least five percent (5%) of anticipated annual expenditures for the purchase of commodities from minority businesses; however, all such set-aside purchases shall comply with all purchasing regulations promulgated by the department and shall be subject to all bid requirements. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder; however, if no minority bid is available or if the minority bid is more than two percent (2%) higher than the lowest bid, then bids shall be accepted and awarded to the lowest and best bidder. However, the provisions in this paragraph shall not be construed to prohibit the rejection of a bid when only one (1) bid is received. Such rejection shall be placed in the minutes. For the purposes of this paragraph, the term "minority business" means a business which is owned by a person who is a citizen or lawful permanent resident of the United States and who is:

(i) Black: having origins in any of the black racial groups of Africa;

(ii) Hispanic: of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race;

(iii) Asian-American: having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;

(iv) American Indian or Alaskan Native: having origins in any of the original people of North America; or

(v) Female;

(e) In consultation with and approval by the Chairs of the Senate and House Public Property Committees, approve leases, for a term not to exceed eighteen (18) months, entered into by state agencies for the purpose of providing parking arrangements for state employees who work in the Woolfolk Building, the Carroll Gartin Justice Building or the Walter Sillers Office Building;

(f) Promulgate rules and regulations governing the solicitation and selection of contractual services personnel, including personal and professional services contracts for any form of consulting, policy analysis, public relations, marketing, public affairs, legislative advocacy services or any other contract that the board deems appropriate for oversight, with the exception of any personal service contracts entered into by any agency that employs only nonstate service employees as defined in Section 25-9-107(c), any personal service contracts entered into for computer or information technology-related services governed by the Mississippi Department of Information Technology Services, any personal service contracts entered into by the individual state institutions of higher learning, any personal service

contracts entered into by the Mississippi Department of Transportation, any personal service contracts entered into by the Department of Human Services through June 30, 2019, which the Executive Director of the Department of Human Services determines would be useful in establishing and operating the Department of Child Protection Services, any personal service contracts entered into by the Department of Child Protection Services through June 30, 2019, any contracts for entertainers and/or performers at the Mississippi State Fairgrounds entered into by the Mississippi Fair Commission, any contracts entered into by the Department of Finance and Administration when procuring aircraft maintenance, parts, equipment and/or services, and any contract for attorney, accountant, actuary auditor, architect, engineer, and utility rate expert services. Any such rules and regulations shall provide for maintaining continuous internal audit covering the activities of such agency affecting its revenue and expenditures as required under Section 7-7-3(6)(d). Any rules and regulation changes related to personal and professional services contracts that the Public Procurement Review Board may propose shall be submitted to the Chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the Chairs of the Appropriation Committees of the Senate and House of Representatives at least fifteen (15) days before the board votes on the proposed changes, and those rules and regulation changes,

if adopted, shall be promulgated in accordance with the Mississippi Administrative Procedures Act;

(g) Approve all personal and professional services contracts involving the expenditures of funds in excess of Seventy-five Thousand Dollars ($75,000.00), except as provided in paragraph (f) of this subsection (2) and in subsection (8);

(h) Develop mandatory standards with respect to contractual services personnel that require invitations for public bid, requests for proposals, record keeping and financial responsibility of contractors. The Public Procurement Review Board shall, unless exempted under this paragraph (h) or under paragraph (i) or (o) of this subsection (2), require the agency involved to submit the procurement to a competitive procurement process, and may reserve the right to reject any or all resulting procurements;

(i) Prescribe certain circumstances by which agency heads may enter into contracts for personal and professional services without receiving prior approval from the Public Procurement Review Board. The Public Procurement Review Board may establish a preapproved list of providers of various personal and professional services for set prices with which state agencies may contract without bidding or prior approval from the board;

(i) Agency requirements may be fulfilled by procuring services performed incident to the state's own programs. The agency head shall determine in writing whether the price

represents a fair market value for the services. When the procurements are made from other governmental entities, the private sector need not be solicited; however, these contracts shall still be submitted for approval to the Public Procurement Review Board.

(ii) Contracts between two (2) state agencies, both under Public Procurement Review Board purview, shall not require Public Procurement Review Board approval. However, the contracts shall still be entered into the enterprise resource planning system.

(j) Provide standards for the issuance of requests for proposals, the evaluation of proposals received, consideration of costs and quality of services proposed, contract negotiations, the administrative monitoring of contract performance by the agency and successful steps in terminating a contract;

(k) Present recommendations for governmental privatization and to evaluate privatization proposals submitted by any state agency;

(l) Authorize personal and professional service contracts to be effective for more than one (1) year provided a funding condition is included in any such multiple year contract, except the State Board of Education, which shall have the authority to enter into contractual agreements for student assessment for a period up to ten (10) years. The State Board of

Education shall procure these services in accordance with the Public Procurement Review Board procurement regulations;

(m) Request the State Auditor to conduct a performance audit on any personal or professional service contract;

(n) Prepare an annual report to the Legislature concerning the issuance of personal and professional services contracts during the previous year, collecting any necessary information from state agencies in making such report;

(o) Develop and implement the following standards and procedures for the approval of any sole source contract for personal and professional services regardless of the value of the procurement:

(i) For the purposes of this paragraph (o), the term "sole source" means only one (1) source is available that can provide the required personal or professional service.

(ii) An agency that has been issued a binding, valid court order mandating that a particular source or provider must be used for the required service must include a copy of the applicable court order in all future sole source contract reviews for the particular personal or professional service referenced in the court order.

(iii) Any agency alleging to have a sole source for any personal or professional service, other than those exempted under paragraph (f) of this subsection (2) and subsection (8), shall publish on the procurement portal website established

by Sections 25-53-151 and 27-104-165, for at least fourteen (14) days, the terms of the proposed contract for those services. In addition, the publication shall include, but is not limited to, the following information:

1. The personal or professional service offered in the contract;

2. An explanation of why the personal or professional service is the only one that can meet the needs of the agency;

3. An explanation of why the source is the only person or entity that can provide the required personal or professional service;

4. An explanation of why the amount to be expended for the personal or professional service is reasonable; and

5. The efforts that the agency went through to obtain the best possible price for the personal or professional service.

(iv) If any person or entity objects and proposes that the personal or professional service published under subparagraph (iii) of this paragraph (o) is not a sole source service and can be provided by another person or entity, then the objecting person or entity shall notify the Public Procurement Review Board and the agency that published the proposed sole

source contract with a detailed explanation of why the personal or professional service is not a sole source service.

(v) 1. If the agency determines after review that the personal or professional service in the proposed sole source contract can be provided by another person or entity, then the agency must withdraw the sole source contract publication from the procurement portal website and submit the procurement of the personal or professional service to an advertised competitive bid or selection process.

2. If the agency determines after review that there is only one (1) source for the required personal or professional service, then the agency may appeal to the Public Procurement Review Board. The agency has the burden of proving that the personal or professional service is only provided by one (1) source.

3. If the Public Procurement Review Board has any reasonable doubt as to whether the personal or professional service can only be provided by one (1) source, then the agency must submit the procurement of the personal or professional service to an advertised competitive bid or selection process. No action taken by the Public Procurement Review Board in this appeal process shall be valid unless approved by a majority of the members of the Public Procurement Review Board present and voting.

(vi) The Public Procurement Review Board shall prepare and submit a quarterly report to the House of

Representatives and Senate Accountability, Efficiency and Transparency Committees that details the sole source contracts presented to the Public Procurement Review Board and the reasons that the Public Procurement Review Board approved or rejected each contract. These quarterly reports shall also include the documentation and memoranda required in subsection (4) of this section. An agency that submitted a sole source contract shall be prepared to explain the sole source contract to each committee by December 15 of each year upon request by the committee.

(p) Assess any fines and administrative penalties provided for in Sections 31-7-401 through 31-7-423.

(3) All submissions shall be made sufficiently in advance of each monthly meeting of the Public Procurement Review Board as prescribed by the Public Procurement Review Board. If the Public Procurement Review Board rejects any contract submitted for review or approval, the Public Procurement Review Board shall clearly set out the reasons for its action, including, but not limited to, the policy that the agency has violated in its submitted contract and any corrective actions that the agency may take to amend the contract to comply with the rules and regulations of the Public Procurement Review Board.

(4) All sole source contracts for personal and professional services awarded by state agencies, other than those exempted under Section 27-104-7(2)(f) and (8), whether approved by an agency head or the Public Procurement Review Board, shall contain

in the procurement file a written determination for the approval, using a request form furnished by the Public Procurement Review Board. The written determination shall document the basis for the determination, including any market analysis conducted in order to ensure that the service required was practicably available from only one (1) source. A memorandum shall accompany the request form and address the following four (4) points:

(a) Explanation of why this service is the only service that can meet the needs of the purchasing agency;

(b) Explanation of why this vendor is the only practicably available source from which to obtain this service;

(c) Explanation of why the price is considered reasonable; and

(d) Description of the efforts that were made to conduct a noncompetitive negotiation to get the best possible price for the taxpayers.

(5) In conjunction with the State Personnel Board, the Public Procurement Review Board shall develop and promulgate rules and regulations to define the allowable legal relationship between contract employees and the contracting departments, agencies and institutions of state government under the jurisdiction of the State Personnel Board, in compliance with the applicable rules and regulations of the federal Internal Revenue Service (IRS) for federal employment tax purposes. Under these regulations, the usual common law rules are applicable to determine and require

that such worker is an independent contractor and not an employee, requiring evidence of lawful behavioral control, lawful financial control and lawful relationship of the parties. Any state department, agency or institution shall only be authorized to contract for personnel services in compliance with those regulations.

(6) No member of the Public Procurement Review Board shall use his or her official authority or influence to coerce, by threat of discharge from employment, or otherwise, the purchase of commodities, the contracting for personal or professional services, or the contracting for public construction under this chapter.

(7) Notwithstanding any other laws or rules to the contrary, the provisions of subsection (2) of this section shall not be applicable to the Mississippi State Port Authority at Gulfport.

(8) Nothing in this section shall impair or limit the authority of the Board of Trustees of the Public Employees' Retirement System to enter into any personal or professional services contracts directly related to their constitutional obligation to manage the trust funds, including, but not limited to, actuarial, custodial banks, cash management, investment consultant and investment management contracts.

(9) Notwithstanding the exemption of personal and professional services contracts entered into by the Department of Human Services and personal and professional services contracts

entered into by the Department of Child Protection Services from the provisions of this section under subsection (2)(f), before the Department of Human Services or the Department of Child Protection Services may enter into a personal or professional service contract, the department(s) shall give notice of the proposed personal or professional service contract to the Public Procurement Review Board for any recommendations by the board. Upon receipt of the notice, the board shall post the notice on its website and on the procurement portal website established by Sections 25-53-151 and 27-104-165. If the board does not respond to the department(s) within seven (7) calendar days after receiving the notice, the department(s) may enter the proposed personal or professional service contract. If the board responds to the department(s) within seven (7) calendar days, then the board has seven (7) calendar days from the date of its initial response to provide any additional recommendations. After the end of the second seven-day period, the department(s) may enter the proposed personal or professional service contract. The board is not authorized to disapprove any proposed personal or professional services contracts. This subsection shall stand repealed on July 1, 2019.

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2019 Regular Session

Senate Bill 2922

Description: Labeling; prohibit mislabeling of food products derived from animal cultures, plants and insects as meat or meat food products.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2019

History of Actions:

1	01/21	(S) Referred To Agriculture
2	01/31	(S) Title Suff Do Pass
3	02/07	(S) Passed {Vote}
4	02/08	(S) Transmitted To House
5	02/20	(H) Referred To Agriculture
6	02/26	(H) Title Suff Do Pass
7	02/28	(H) Passed {Vote}
8	03/04	(H) Returned For Enrolling
9	03/06	(S) Enrolled Bill Signed
10	03/06	(H) Enrolled Bill Signed
11	03/12	Approved by Governor

Code Section: A 075-0035-0015

----- Additional Information -----

Senate Committee: Agriculture
House Committee: Agriculture

Principal Author: Hudson
Additional Authors: Jolly, Whaley, Younger, Barnett, Moran, Seymour, Branning, Chassaniol, Jackson (11th), DeBar, Dearing, Jackson (32nd)

Title: AN ACT TO AMEND SECTION 75-35-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A FOOD PRODUCT THAT CONTAINS CULTURED ANIMAL TISSUE PRODUCED FROM ANIMAL CELL CULTURES OUTSIDE OF THE ORGANISM FROM WHICH IT IS DERIVED SHALL NOT BE LABELED AS MEAT OR A MEAT FOOD PRODUCT; TO PROVIDE THAT A PLANT-BASED OR INSECT-BASED FOOD PRODUCT SHALL NOT BE LABELED AS A MEAT OR MEAT FOOD PRODUCT; AND FOR RELATED PURPOSES.

2019 GENERAL LAWS OF MISSISSIPPI SB 2922

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Hudson, Jolly, Whaley, Younger, Barnett, Moran, Seymour, Branning, Chassaniol, Jackson (11th), DeBar, Dearing, Jackson (32nd)

To: Agriculture

SENATE BILL NO. 2922

AN ACT TO AMEND SECTION 75-35-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A FOOD PRODUCT THAT CONTAINS CULTURED ANIMAL TISSUE PRODUCED FROM ANIMAL CELL CULTURES OUTSIDE OF THE ORGANISM FROM WHICH IT IS DERIVED SHALL NOT BE LABELED AS MEAT OR A MEAT FOOD PRODUCT; TO PROVIDE THAT A PLANT-BASED OR INSECT-BASED FOOD PRODUCT SHALL NOT BE LABELED AS A MEAT OR MEAT FOOD PRODUCT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 75-35-15, Mississippi Code of 1972, is amended as follows:

75-35-15. (1) When any meat or meat food product has been inspected as hereinbefore provided and marked "Mississippi inspected and passed" or appropriate marking shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this chapter is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under supervision of an inspector, which label shall state that the contents thereof have been "Mississippi inspected

and passed" or appropriate marking under the provisions of this chapter, and no inspection and examination of meat or meat food products deposited or enclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this chapter is maintained shall be deemed to be complete until such meat or meat food products have been sealed or enclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

(2) All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this chapter and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the commissioner may require, the information required under paragraph (k) of Section 75-35-3.

(3) The commissioner, whenever he determines such action is necessary for the protection of the public, may prescribe:

(* * *a) The styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling of any products or animals subject to this article or Article 3 of this chapter; and

(* * *b) Definitions and standards of identity or composition for items subject to this article and standards of fill of container for such products not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic

Act, or under the Federal Meat Inspection Act, and there shall be consultation between the commissioner and the Secretary of Agriculture of the United States prior to the issuance of such standards to avoid inconsistency between such standards and the federal standards.

(4) No item or product subject to this article shall be sold or offered for sale by any person, firm, or corporation, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the commissioner, are permitted. A food product that contains cultured animal tissue produced from animal cell cultures outside of the organism from which it is derived shall not be labeled as meat or a meat food product. A plant-based or insect-based food product shall not be labeled as meat or a meat food product.

(5) If the commissioner has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any item subject to this article is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person, firm, or corporation using or proposing to use the marking, labeling or container does not accept the determination of the commissioner, such person, firm,

or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the commissioner so directs, be withheld pending hearing and final determination by the commissioner. Any party aggrieved by such final determination may, within thirty (30) days after receipt of notice of such final determination, effect an appeal therefrom to the chancery court of the county in which such party resides or in which the principal place of his business is domiciled; and, on appeal, such chancery court shall affirm, modify, or set aside the commissioner's final determination.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

Mississippi Legislature
2019 Regular Session

Senate Bill 2947

Description: Statutes relating to revision of budget estimates and reduction of funding allocations; applicable to Office of State Aid Roads.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/21	(S) Referred To Appropriations
2	02/05	(S) Title Suff Do Pass
3	02/07	(S) Passed {Vote}
4	02/08	(S) Transmitted To House
5	02/19	(H) Referred To Appropriations
6	02/27	(H) Title Suff Do Pass
7	03/06	(H) Passed {Vote}
8	03/07	(H) Returned For Enrolling
9	03/11	(S) Enrolled Bill Signed
10	03/11	(H) Enrolled Bill Signed
11	03/15	Approved by Governor

Code Section: A 027-0104-0013

----- Additional Information -----

Senate Committee: Appropriations
House Committee: Appropriations

Principal Author: Simmons (13th)
Additional Authors: Branning

Title: AN ACT TO AMEND SECTION 27-104-13, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE STATUTES PROVIDING FOR THE REVISION OF BUDGET ESTIMATES AND REDUCTION OF FUNDING ALLOCATIONS IN THE EVENT OF REVENUE SHORTFALL WHICH ARE APPLICABLE TO THE ADMINISTRATION BUDGET OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION ARE FULLY APPLICABLE TO THE OFFICE OF STATE AID ROAD CONSTRUCTION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2019

By: Senator(s) Simmons (13th), Branning To: Appropriations

SENATE BILL NO. 2947

AN ACT TO AMEND SECTION 27-104-13, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE STATUTES PROVIDING FOR THE REVISION OF BUDGET ESTIMATES AND REDUCTION OF FUNDING ALLOCATIONS IN THE EVENT OF REVENUE SHORTFALL WHICH ARE APPLICABLE TO THE ADMINISTRATION BUDGET OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION ARE FULLY APPLICABLE TO THE OFFICE OF STATE AID ROAD CONSTRUCTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-104-13, Mississippi Code of 1972, is amended as follows:

27-104-13. (1) The State Fiscal Officer may disapprove or reduce and revise the estimates of general funds and state-source special funds for any general fund or special fund agency and for the "administration and other expenses" budget of the Mississippi Department of Transportation and the Office of State Aid Road Construction, in an amount not to exceed five percent (5%), if at any time he finds that funds will not be available within the period for which the budget is drawn, or if at any time he finds that the requested expenditures, or any part thereof, are not

authorized by law, and that action shall be reported to the Legislative Budget Office.

The State Fiscal Officer may, upon his determination of need based upon a finding that funds will not be available within the period for which the budget is drawn, transfer funds as provided in Section 27-103-203, from the Working Cash-Stabilization Reserve Fund to the General Fund to supplement the general fund revenue.

If the estimates of general funds and state-source special funds of all general fund and special fund agencies and of the "administration and other expenses" budget of the Mississippi Department of Transportation and the Office of State Aid Road Construction have been reduced by five percent (5%), additional reductions may be made, but shall consist of a uniform percentage reduction of general funds and state-source special funds to all general fund and special fund agencies and to the "administration and other expenses" budget of the Mississippi Department of Transportation and the Office of State Aid Road Construction.

Any state-source special funds reduced under the provisions of this subsection (1) shall be transferred to the State General Fund upon requisitions for warrants signed by the respective agency head, and the transfer shall be made within a reasonable period to be determined by the State Fiscal Officer.

The provisions of this subsection (1) authorizing the State Fiscal Officer to disapprove or reduce and revise the estimates of general funds and state-source special funds for the

"administration and other expenses" budget of the Mississippi Department of Transportation and the Office of State Aid Road Construction shall be suspended during the period from June 30, 2009, through June 30, 2010.

(2) The Department of Revenue and University Research Center, utilizing all available revenue forecast data, shall annually develop a general fund revenue estimate to be adopted by the Joint Legislative Budget Committee as of the date of sine die adjournment. If, at the end of October, or at the end of any month thereafter of any fiscal year, the revenues received for the fiscal year fall below ninety-eight percent (98%) of the general fund revenue estimate adopted by the Joint Legislative Budget Committee at the date of sine die adjournment, the State Fiscal Officer shall reduce allocations of general funds and state-source special funds to general fund and special fund agencies and to the "administration and other expenses" budget of the Mississippi Department of Transportation and the Office of State Aid Road Construction, in an amount necessary to keep expenditures within the sum of actual general fund receipts, including any transfers to the General Fund from the Working Cash-Stabilization Reserve Fund for the fiscal year.

The State Fiscal Officer may, upon his determination of need based on the revenue shortfall, transfer funds as provided in Section 27-103-203 from the Working Cash-Stabilization Reserve Fund to the General Fund to supplement the general fund revenue.

State-source special funds in an amount equal to any reduction made under the provisions of this subsection (2) shall be transferred to the State General Fund upon requisitions for warrants signed by the respective agency head, and the transfer shall be made within a reasonable period to be determined by the State Fiscal Officer.

No agency's allocation shall be reduced in an amount to exceed five percent (5%); however, if the allocations of general funds and state-source special funds to all general fund and special fund agencies and to the "administration and other expenses" budget of the Mississippi Department of Transportation and the Office of State Aid Road Construction have been reduced by five percent (5%), any additional reductions required to be made under this subsection (2) shall consist of a uniform percentage reduction of general funds and state-source special funds to all general fund and special fund agencies and to the "administration and other expenses" budget of the Mississippi Department of Transportation and the Office of State Aid Road Construction. Any receipt from loans authorized by Sections 31-17-101 through 31-17-123 shall not be included as revenue receipts.

The State Fiscal Officer shall immediately send notice of any action taken under authority of this subsection (2) to the Legislative Budget Office.

The provisions of this subsection (2) requiring the State Fiscal Officer to reduce allocations of general funds and

state-source special funds to general fund and special fund agencies and to the "administration and other expenses" budget of the Mississippi Department of Transportation shall be suspended during the period from June 30, 2009, through June 30, 2010.

(3) For the purpose of this section, the term "state-source special funds" means any special funds in any agency derived from any source, but shall not include the following special funds: special funds derived from federal sources, from local or regional political subdivisions, from agricultural commodity assessments, or from donations; special funds derived from additional fees paid for the issuance of distinctive motor vehicle license tags or plates authorized under the provisions of Chapter 19, Title 27, Mississippi Code of 1972; special funds held in a fiduciary capacity for the benefit of specific persons or classes of persons; special funds of the Mississippi Veterans Affairs Board that are paid to the board by the veteran residents of state veterans homes to fund their monthly expenses at the state veterans homes; self-generated special funds of the state institutions of higher learning or the state community or junior colleges; special funds of Mississippi Industries for the Blind, the State Port at Gulfport, Yellow Creek Inland Port, Pat Harrison Waterway District, Pearl River Basin Development District, Pearl River Valley Water Management District, Tombigbee River Valley Water Management District, Yellow Creek Watershed Authority, or Coast Coliseum Commission; special funds of the Department of

Wildlife, Fisheries and Parks and the Department of Marine Resources derived from the issuance of hunting or fishing licenses; and special funds generated by agencies whose primary function includes the establishment of standards and the issuance of licenses for the practice of a profession within the State of Mississippi.

SECTION 2. This act shall take effect and be in force from and after its passage.

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